Ombudsman Manitoba

Twentieth Annual Report of the

OMBUDSMAN

For the period
January 1st, 1989 –
December 31st, 1989

Presented to the Legislature pursuant
to Section 42 of The Ombudsman Act

91-01445/

Ombudsman Manitoba

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The Honourable Denis Rocan
Speaker of the Legislative Assembly
Province of Manitoba

Dear Mr. Speaker:

In accordance with Section 42 of The Ombudsman Act, I am pleased to submit the twentieth Annual Report of the Ombudsman, covering the calendar year January 1, 1989 to December 31, 1989.

As an officer of the Legislature I would be prepared, and pleased, to appear before the assembly should the members wish clarification of, or amplification upon, any of the information contained in this report.

Yours very truly,

Gordon S. Earle

GORDON S. EARLE
OMBUDSMAN

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Introduction

The preparation of an Annual Report can be challenging and rewarding yet at the same time frustrating and time consuming. To reflect upon, and commit to writing a year's work, or at least the highlights of that year's work, is no easy task. The job becomes even more difficult when one keeps in mind the number and types of audiences that may have an interest in an Annual Report. In the case of an Ombudsman's Annual Report the primary audience of course is the Legislature, of which the Ombudsman is an Officer and by which the Ombudsman has been commissioned to carry out his mandate, and to which the Ombudsman is required by law to report annually. Other audiences for the Ombudsman's Annual Report are: the news media who in a sense act as the public's eye of scrutiny regarding anything of public interest; the academics who are always interested in examining and analyzing various concepts of our society; the bureaucrats and civil servants who are sometimes eager to see how their performance has been measured by Ombudsman standards; and last but not least the public at large whom the Office of the Ombudsman is intended to serve.

The rewarding part of preparing an Annual Report is that in the course of so doing one becomes acutely aware of just how much has been accomplished in a relatively short period of time. The frustrating part is that at the same time one realizes how much more remains to be done. Oft times in the heat of battle we do not realize how far we have come nor how far we have yet to go. It is only during moments of reflection and contemplation that we can truly assess the situation and discern the trees from the forests. Annual Report time provides the opportunity for such introspection and thus while I find writing an Annual Report to be a chore, I nonetheless welcome it as an opportunity to put things in perspective, and to account formally to those whom I have the privilege to serve.

No Annual Report would be complete without a vote of thanks to the hard working and dedicated staff who have assisted me during the year. Without them my task would be impossible. It takes a special kind of person to be a member of the Ombudsman's team because the nature of the work is such that thank-you's from those whom we serve are few and far between. The reward comes from knowing and being satisfied within one's self that you have laboured hard and performed the job to the best of your ability. Each of the persons listed below performed admirably during 1989 and were a credit to the office.

Barry E. Tuckett	Deputy Ombudsman
Donna M. Drever	Investigator (Child & Adolescent Services)
Susan Archibald	Investigator
E. Joy Goertzen	Investigator
Gail P. Perry	Investigator
Kris Ramchandar	Investigator
Raymond J. Wahl	Investigator
Johanne B. Cayer	Office Manager/Intake Officer
Laura Foster	Word Processing Supervisor
Helen Hicks	Secretary/Receptionist
Felicia C. Palmer	Secretary
Jim Crook	Secretary (Temporary)
Wilma Dowhan	Secretary (Temporary)
Christine W. Knight	Secretary (Temporary)
Pat Seniuk	Secretary (Temporary)
Norman Howe	Volunteer
Helen Luke	Volunteer

Workload Analysis

Although the number of formal complaints in 1989 (829) was slightly less than the number received in 1988 (843) the number of informal inquiries was substantially larger namely 3,105 for 1989 compared with 2,262 for the previous year. Thus while the formal complaints were down 14 cases or 2%, the informal concerns were up by 843 or 37% and the overall workload of 3,833 concerns was up from the 3,105 of last year by 728 or 23%.

It may be interesting to note that in my 1988 Annual Report I indicated there was a 23% decrease in overall workload when compared with the workload in 1987, and that this decrease had given us some breathing space and an opportunity to catch up on some of the work carried over from previous years. However with the 23% workload increase in 1989 any breathing space that may have been gained in 1988 was soon lost. Nonetheless, through sheer hard work and determination our accomplishments in 1989 surpassed that of the previous year and we were able to complete not only 73% of the 1989 caseload but also 81% of the workload that had been carried over from previous years. (In 1988 we completed 72% of that year's caseload and 70% of the work carried over from previous years). This increase in performance is encouraging to me and is indicative of the high degree of dedication and work ethic of my staff.

An Ombudsman for All Seasons: Inappropriate use of the term "Ombudsman"

Over the past few years we have had increasing concern about the misconceptions around the Ombudsman concept and what we feel to be an inappropriate use of the term "Ombudsman". We sometimes detect on the part of people who visit our office a feeling that the Ombudsman is a person for all seasons, someone who can do all things and be all things to all people. In such cases we very quickly attempt to correct this somewhat flattering but certainly mistaken image of what an Ombudsman is and what an Ombudsman does. We explain precisely the role of the Ombudsman, the mandate, powers and jurisdictional restrictions as defined by legislation. We make it clear that while the Ombudsman certainly can empathize with individuals and appreciate many of the problems they experience the Ombudsman is not and cannot be all things to all people. The Ombudsman has no instant and magical answers to many of the problems individuals face. All the Ombudsman can do is to investigate impartially and objectively those matters which fall within his jurisdiction, and where appropriate, make recommendations aimed at resolving grievances. In non-jurisdictional matters the Ombudsman may often make referrals to other agencies that may be in a position to assist, or the Ombudsman may offer suggestions, advice or provide information that may be of some assistance.

The concept of Ombudsman, because of the important function of safeguarding the rights of citizens against the might of the bureaucracy, does indeed have a certain mystical quality about it. We have, in our work, attempted to demystify the concept by presenting the Ombudsman on a practical basis in a world of reality, while at the same time maintaining the high standards and professionalism expected of an Ombudsman's office.

I believe we have done a good job in promoting the Ombudsman concept as a viable alternative in today's society, for the resolution of problems involving government administration.

At times I wonder if perhaps we legislative Ombudsmen have done too good a job promoting the concept of Ombudsman, as it seems that now everyone wants to be an Ombudsman. We note in our society today an endless array of people adopting the term Ombudsman to apply to the complaint handling or problem solving work they are performing in a number or areas. We see university ombudsmen, media ombudsmen, department store ombudsmen, health care ombudsmen, children's ombudsmen, language ombudsmen, and various other types of ombudsmen. In fact it would appear that for every problem area, whether in the private or public sector, an ombudsman has been considered and/or created.

While I recognize that legislative or classical ombudsmen (i.e. ombudsman created by and responsible to a legislature or parliament) have no monopoly on the generic term ombudsman (meaning in the most general sense - problem solver) excessive use of that term particularly by government departments and agencies to describe their own internal problem solvers can be misleading and confusing for the public. Generally speaking when the public hear the term ombudsman, they think in terms of someone who is objective, independent and separate from the system about which complaints may be made. Thus, when departments or agencies of government create their own complaint handling specialists and call them ombudsmen, not only is it inconsistent with that concept of an independent ombudsman, but it also creates some confusion as to exactly who is handling their complaint and under what circumstances and/or authority.

Early in 1989 it came to my attention that the Workers Compensation Board (WCB) of Manitoba was seeking to employ an Ombudsman to investigate and respond to complaints dealing with the Board's services and operations. This WCB Ombudsman was to serve as liaison, in the matter of complaints and the resolution of problems, with worker and employer organizations, members of the media, and other external groups. In short, it would appear that this person was to be a complaint-handler and public relations person for the Workers Compensation Board.

I wrote to the Workers' Compensation Board on January 5, 1989 copying the Minister responsible for the Workers Compensation Board, commending the Board for its attempt to better serve its clients. I pointed out, however, that while I recognized that the Board, or any other agency of government, may establish positions and titles within its organization as it so chooses I had some concerns with the establishment of a

position within the Workers Compensation Board called "Ombudsman".

In my correspondence to the Workers Compensation Board I pointed out the following:

> *"The Ombudsman Act of Manitoba establishes an Ombudsman for the Province of Manitoba and authorizes the Ombudsman to investigate any administrative acts, decisions, or omissions by departments or agencies of the Provincial Government. The Ombudsman is an independent Officer of the Legislative Assembly, reporting to the Legislature. The Ombudsman does not report to any particular minister or to the Government. The Ombudsman has powers of a commissioner appointed under Part V of The Manitoba Evidence Act which enables him to perform thorough, impartial investigations, following which recommendations to bring about redress of valid grievances may be made.*
>
> *The Ombudsman has been charged with the statutory responsibility to investigate complaints against the Workers Compensation Board since 1970, and the administrative decision to establish an Ombudsman within the Workers Compensation Board does not alter that responsibility. The Ombudsman has acknowledged the many appeal processes previously established within the Workers Compensation Board to review complaints regarding claims. The establishment of an Ombudsman within the Workers Compensation Board appears to add yet another administrative avenue of appeal."*

I further pointed out that the Ombudsman for the Province of Manitoba has no monopoly on the use of the term ombudsman as that term in a generic sense is used to refer to any public official appointed to investigate complaints by private citizens against bureaucracy; thus we have municipal ombudsmen, patient ombudsmen, department store ombudsmen, newspaper ombudsmen, university ombudsmen, and various other types of executive ombudsmen. I indicated that these ombudsmen deal with groups, companies and agencies other than Provincial Government departments and agencies and therefore there is little or no confusion between the roles of these ombudsmen and the Ombudsman for the Province of Manitoba. My letter to the Board went on to state:

> *"However, I have some concern that unnecessary confusion may result from the creation of an Ombudsman within the Workers Compensation Board, an agency of the Provincial Government and an agency over which the Provincial Ombudsman does have jurisdiction. The public, who have a statutory right to an impartial investigation of complaints against the Workers Compensation Board, may not be aware that an appeal to the Workers Compensation Board Ombudsman, who reports to the Chief Executive Officer of the Board, is not an appeal to the Provincial Ombudsman. Will the Board be advising complainants, who are dissatisfied with the actions of the Workers Compensation Board Ombudsman, of their statutory rights to refer their complaints to the Provincial Ombudsman for review? Will the public be prepared to accept the impartiality of an investigation of one Ombudsman created by the Legislature against another Ombudsman established administratively within an agency of the Government? I believe it is reasonable to expect the public to have misconceptions about the roles of the respective Ombudsmen.*
>
> *Many offices have internal processes to investigate and respond to complaints. In addition, many departments and agencies have established positions to act as liaison between the public and their operations. This I encourage. I would suggest that other departments and agencies recognize the differences between this role and that of a legislated Ombudsman and such is reflected by the titles given to those performing internal review and customer relation functions.*
>
> *In my opinion the use of the position title "Ombudsman" can be misleading and confusing to the public in that the distinction between an internally appointed Ombudsman and the Ombudsman appointed by the Legislative Assembly to conduct impartial reviews, with the necessary legislative powers, will not be readily apparent. I believe the intent of The Ombudsman Act is to*

provide the public with the assurance of a thorough, impartial investigation of administrative acts, decisions or omissions by departments or agencies of the Provincial Government by an Officer of the Legislative Assembly. I do not think it is in the public interest to administratively establish positions titled "Ombudsman" within departments and agencies of the Provincial Government as the proliferation of this title can only lead to confusion and misconceptions. While it is certainly flattering to the Provincial Ombudsman to see the term ombudsman being held in sufficiently high regard that agencies and departments are eager to use it, I believe the objective of a further internal review of grievances can be obtained by the use of other titles, e.g., Complaints Officer, Review Officer, Public Relations Officer, Executive Review Officer, etc., and thereby reduce the potential for confusion by those whom we are seeking to assist.

I would appreciate receiving your comments on the concerns presented."

Some three months after writing to the Workers Compensation Board I received a response from the Chairperson of the Board which read as follows:

"Thank you for your letter of January 5, 1989, regarding the use of the title "Ombudsman" by the Workers Compensation Board.

At this time, I can advise that, while the Board has given serious consideration to your comments, it has decided to proceed with the establishment of a Workers Compensation Board Ombudsman.

In establishing this position, the Board does not intend to usurp the jurisdiction of the Provincial Ombudsman, or interfere with the right of complainants to refer their complaints to the Provincial Ombudsman. The Board feels there is a need for an impartial review process within the Workers Compensation Board system, and that the establishment of an Ombudsman is the best means of providing this review.

I understand your concern that the use of the title "Ombudsman" by the Workers Compensation Board can be misleading and confusing to the public. To ensure there is no confusion, the Workers Compensation Board Ombudsman will advise complainants of the existence of the Provincial Ombudsman and of the statutory right to refer their complaint to the Provincial Ombudsman. Should you wish, the Workers Compensation Board Ombudsman will forward to dissatisfied complainants any literature your office may provide on the role of the Provincial Ombudsman. This action will prevent any misunderstanding which could deprive complainants of their right to a review by the Provincial Ombudsman.

I can also advise that the Board has appointed Mr. Alan Scramstad to the position of Workers Compensation Board Ombudsman. Mr. Scramstad will commence his duties on March 15, 1989. Mr. Scramstad will be pleased to deal with any inquiries your office has regarding the Workers Compensation Board. He can be reached at 786-9512.

Although the Board is proceeding with the establishment of a Workers Compensation Board Ombudsman, I will be pleased to meet with you discuss this matter further should you wish.

I wish to conclude by stating that the Workers Compensation Board appreciates the significant role played by the Provincial Ombudsman in dealing with concerns from the citizens of Manitoba and is committed to continued co-operation with the Provincial Ombudsman."

While I appreciated the Board's commitment to "continued co-operation with the Provincial Ombudsman" it seemed to me that the whole point of my correspondence had been either missed or completely ignored as the Board decided to proceed with its use of the term Ombudsman for its newly established complaint handling position.

On June 21, 1989 in correspondence to the Minister responsible for The Workers Compensation Board Act (while dealing with other matters and since I had not any feedback from the Minister on this topic) I raised the matter of the use of the title Ombudsman by the Workers Compensation Board, writing:

"I did send you a copy of the correspondence of January 5, 1989 concerning the establishment of an Ombudsman position within the Workers Compensation Board. While I discussed that issue further with the Workers Compensation Board on April 21, 1989, and while I understand that the Board will be giving further consideration to that issue, I will reiterate to you in this letter my concern that government departments and agencies do not erode the status and responsibility of the Provincial Ombudsman, an Officer of the Legislature, with the unnecessary use of the term ombudsman to refer to internal appeal and complaint-handling mechanism within government departments and agencies. I believe that the intent of the Legislature in establishing, as an Officer of the Legislature, an Ombudsman for the Province of Manitoba, was to give a very clear message to government departments and agencies, and the public at large, of the importance of this office as an independent external review process concerning matters of governmental administration. If each agency and department of government now chooses to establish its own "internal ombudsman", I am sure that this will eventually dilute the concept of the Ombudsman as intended by the Legislature and undoubtedly cause confusion in the mind of the public. I am sure that Departments, Boards, and Agencies can achieve the goal of internal complaint-handling (which I thoroughly support) by appointing officials who employ titles other than that of Ombudsman. The reason I copied you previously on this subject is that I felt you would be interested in this matter, not only as Minister responsible for The Workers Compensation Act, but also as a Member of the Legislature to which the Ombudsman is responsible for performing his function.

I would welcome your comments on this matter."

I heard nothing from the Minister on this issue.

A final piece of correspondence on this topic was sent from my office on August 21, 1989 in which the Deputy Ombudsman, Mr. Barry Tuckett, wrote the following to the Workers Compensation Board Ombudsman, as follow-up to a telephone conversation they had had:

"The public who have a statutory right to an impartial investigation of complaints against the Board may not be aware that an appeal to the Workers Compensation Board Ombudsman, who reports to the Chief Executive Officer of the Board, is not an appeal to the Provincial Ombudsman. The use of the position title "Ombudsman" may be misleading and confusing to the public in that the distinction between an internally appointed Ombudsman and the Ombudsman appointed by the Legislative Assembly to conduct impartial reviews, with the necessary legislative powers, will not be readily apparent.

We believe the intent of The Ombudsman Act is to provide the public with the assurances of an impartial investigation of administrative acts, decisions, or omissions by departments or agencies of the Provincial Government by an Officer of the Legislative Assembly.

We do not feel it is in the public interest to administratively establish positions titled "Ombudsman" within departments or agencies of the Provincial Government as the proliferation of this title may lead to confusion and misconceptions. The important characteristics of the Manitoba Ombudsman which are recognized as being traditional in the Ombudsman field are:

1. *The Ombudsman is appointed by an act of the Legislature.*
2. *The Ombudsman is an independent Officer of the Legislative Assembly who does not report to any particular Minister or to the government but rather to the Legislative Assembly.*
3. *The Ombudsman has the powers of a Commissioner appointed under Part V of The Manitoba Evidence Act, which enables him to perform thorough, impartial investigations following which recommendations to bring about redress of valid grievances may be made.*
4. *The Ombudsman may report publicly to bring public scrutiny to government actions.*

In the text "The Ombudsman" by Donald C. Rowat, you will note on Page XXIV of the Preface to the Second Edition where it is quoted:

> *"Through its growing public popularity, however, there is a sense in which the Ombudsman idea may become its own worst enemy. Any kind of new complaint or Appeal Officer in any kind of organization is now likely to be mistakenly dubbed an Ombudsman in order to gain popular support for his activities. It is becoming all too easy to lose sight of the three essential features of the original Ombudsman systems.*
>
> *These are:*
>
> *(1) The Ombudsman is an independent and non-partisan Officer of the Legislature, usually provided for in the constitution, who supervises the administration;*
>
> *(2) He deals with specific complaints from the public against administrative injustice and maladministration; and*
>
> *(3) He has the power to investigate, criticize and publicize, but not to reverse, administrative action.*
>
> *To avoid public confusion in discussing the Ombudsman idea, the use of the term 'Ombudsman' should therefore be restricted only to institutions which have this unique combination of characteristics. Otherwise, the vital importance of one or another of these characteristics may be forgotten when so-called Ombudsman plans are being proposed."*

In addition, you will note in the excerpt from the Alberta Law Review the following:

> *"Dr. Bernard Frank, Chairman of the Ombudsman Committee of the International Bar Association, provides the following definition for the traditional Legislative Ombudsman:*
>
> *It is unfortunate that the term 'Ombudsman' has been and is increasingly used throughout the world to mean any complaint-handling mechanism whether governmental or non-governmental. This is particularly true in the United States. The International Bar Association Resolution makes it clear that the term should be applied only to those officials who come within the definition: An office provided for by the constitution or by action of the Legislature or parliament and headed by an independent, high-level public official who is responsible to the Legislature or parliament, who received complaints from aggrieved persons against government agencies, officials, and employees or who acts on his own motion, and who has the power to investigate, recommend corrective action, and issue reports."*

I have included a number of other excerpts and texts relating to the role of the Ombudsman generally. I trust you will appreciate that what is provided is not the results of any exhaustive research on our part, however this information may be of some interest to you.

In closing, while we may be raising concerns about the establishment of an "Ombudsman" within the Workers Compensation Board, our office certainly supports the establishment of positions within departments or agencies to investigate and respond to complaints and liaise between the public and their operations. We would suggest however that other departments and agencies who create this role reflect the differences in its role and that of a Legislative Ombudsman by the title of the position, such as, Commissioner of Complaints, Executive Review Officer, Vice-President Customer Services, etc.

Once again I trust this information will be of interest to you and we look forward to the continued cooperative relationship we have had with the Workers Compensation Board over the years."

In conclusion, I would state that since the establishment of the position of Ombudsman for the Workers Compensation Board of Manitoba, we have encountered some situations when correspondence and calls intended for that office have arrived at our office and vice-versa. There has definitely been confusion created in the minds of the public by the creation of an internal review process using the term Ombudsman and it is quite likely the confusion will continue. This

could easily have been avoided by the use of another term for the Board's public relations complaint handling position. **However, that was not done, and while in my opinion, it is still not too late for the Board to rename that position it looks as if neither the Workers Compensation Board nor the Minister responsible for The Workers Compensation Board Act has any interest in changing the situation.**

I would respectfully suggest that other provincial government departments and agencies establishing complaint-handling offices refrain from adding to the confusion and avoid using the term Ombudsman for these offices, as such will only serve to dilute in the public's eye the role of the Provincial Ombudsman established under The Ombudsman Act.

To those Ministers responsible for government departments and agencies I would respectfully urge you not to allow your departments and agencies to confuse the public with respect to the means of redress available for resolving problems. You as Ministers of the Crown and as Members of the Legislature have a responsibility to support your Provincial Ombudsman, your Officer of the Legislature, and to maintain the singular and highly independent nature of that office so that it will not be unduly confused with internal review procedures of departments and agencies of government.

The Manitoba Developmental Centre

In each of my Annual Reports since 1986 I have included a section on the Manitoba Developmental Centre. As a result of a resident receiving serious and unexplained injuries in September 1985, an extensive investigation had been conducted by my office into general conditions at the Centre. Following our investigation several recommendations were made to the Minister responsible for the Manitoba Developmental Centre in March 1987. Since that time we have continued to monitor the progress made by the Department in addressing the recommendations made. During 1989 my staff visited and toured the Centre. In June 1989 a meeting was also held between my office and the Minister's office to discuss the progress being made as well as outstanding concerns.

Some significant developments occurred during 1989:

1. The Government announced an allocation of eight million dollars for physical upgrading at the Manitoba Developmental Centre;
2. The Manitoba Developmental Centre Advisory Board was established. The purpose of the Advisory Board is to provide advice to the Minister respecting the operation of the Centre and the care of mentally disabled persons. The Board is to consist of eight members appointed by the Minister to represent the broad community interest and the geographic areas of the Province; and
3. The Manitoba Developmental Centre applied for accreditation from the Canadian Council on Health Facilities. The survey accreditation inspection was conducted from November 15 - 17, 1989.

While I commend the actions of the Government and the Department of Family Services for the action taken thus far to address the conditions at the Manitoba Developmental Centre, in my opinion programming and staffing still remain outstanding issues.

On the subject of staffing, I was advised by the Department that the Manitoba Developmental Centre would undertake a comprehensive analysis and review of each recommendation which came out of the Accreditation Survey Report with the intention of working towards the attainment of complete standards. In addition, I was advised that the outcome of this analysis and review would include the incorporation of staffing recommendations into the Human Resource Plan where this had not previously been accomplished.

My position and observations with respect to the Manitoba Developmental Centre have been reported publicly and the issues identified. The Department's own Human Resource Plan has been updated and the accreditation process undertaken. In light of this, and in view of the establishment of the Advisory Board, which has specific functions to advise the Minister relative to the care of institutionalized mentally disabled citizens, I will be formally concluding my review of the Manitoba Developmental Centre.

The Government whom we elect is responsible for establishing program priorities and allocating resources. Therefore it is the Government's responsibility to make decisions and to take the steps necessary in order to continue to improve the conditions at the Manitoba Developmental Centre. My position has been conveyed to the Government and there is nothing more the Ombudsman can do in this regard. However, my belief remains firm that the Government must address the shortcomings with respect to staffing and programs if it wishes to attain the best quality of life possible for the residents at the Manitoba Developmental Centre.

Community and Youth Corrections

In my 1988 Annual Report in one of my case summaries I identified issues relating to the Agassiz Youth Centre, which is an open and secure custody facility for youth sentenced under The Young Offenders Act.

In summary, the problems identified in our 1988 Annual Report related to: program issues; forensic services; education programs; and the physical environment. We continued to follow up on these areas in 1989 through meetings with departmental staff and visits to the Agassiz Youth Centre.

During 1989 the Office of the Fire Commissioner conducted an inspection of the Agassiz Youth Centre cottages. It was reported that most fire safety standards were being adhered to. Some recommendations were made which we were advised were being acted upon by the Superintendent of the Centre.

In the fall of 1989 an educational consultant was appointed by the Department to conduct an assessment of the educational programs at the Agassiz Youth Centre as well as the Manitoba Youth Centre. A consultant in juvenile treatment was also appointed to conduct program evaluations at both the Agassiz and the Manitoba Youth Centres.

It is my understanding that recommendations resulting from the educational and program reviews will be considered by the Department in conjunction with the concerns which have been raised by our office.

With respect to forensic services we were advised that regular meetings between forensic services and youth corrections personnel were continuing. On this topic, I might also mention that another issue my office had identified with youth corrections was the coordination and planning of services for youth in the corrections system where there is involvement with other departments such as Mental Health and Child and Family Services. We were pleased to note that interdepartmental meetings were established between Child and Family Support, Mental Health, and Corrections to review working relationships on difficult cases where there is, or should be, involvement of all agencies. We feel this is an important initiative and trust it will assist in the planning and coordination of services for youth in custody and in preparation for their discharge.

An outstanding area of concern with respect to the Agassiz Youth Centre is the deteriorating physical condition of the Centre. We were advised by the Assistant Deputy Minister of Corrections that requests have been submitted for the upgrading of the facility. However the submission for the 1988-89 fiscal year was not approved. Another submission had been made for 1989-90 and was to include the concerns noted by our office with respect to the physical structure. At the time of writing this report it is our understanding that the 89-90 submission was not approved.

It is the opinion of my office that the living environment and the physical conditions at Agassiz Youth Centre are deplorable. A written description of the physical condition would not do justice to the dilapidated state of the group areas, and sleeping areas, toilet and shower facilities. Suffice to say, in my opinion, it borders on being unconscionable. The Department has acknowledged that it is of concern yet no visible signs of progress in improving the living conditions has been noted over the past year.

We will continue to pursue our concerns with respect to the conditions at the Agassiz Youth Centre with the Department. We will also be monitoring the response of the Department to any recommendation emanating from the education and program reviews completed by the consultants.

Child and Adolescent Services

Our office remains actively involved in issues that affect children. In my 1988 Annual Report I commented on an emerging issue of concern to us. It relates to the supports available to older teenagers who may be living independently in the community because they cannot or will not return home and have no visible means of financial support. The experience of my office has been that often agencies will say that there are no specific protection concerns requiring their intervention. Under the age of eighteen years these youths are not eligible in their own right to receive financial assistance from the Provincial Social Allowances Program or from City or Municipal income assistance programs. Parents are considered to be financially responsible for their children until they reach the age of eighteen years.

Last year I reported that I suspected that many of the "street kids" and older teens trying to sustain themselves independently in the community have left home because of family violence, conflict or abuse. They may chose the life of the street as opposed to remaining at home in situations of conflict, and they often become involved in juvenile prostitution, drugs or other delinquent behavior to support themselves.

I am also concerned that for various reasons many of these youths may not articulate the real reasons which have caused them to leave their family, particularly in situations of sexual, physical or emotional abuse. In those cases, if agencies cannot define specific "protection issues" services may be declined, particularly if parents state that they are prepared to have the youths home. My concern is that in some of these cases a thorough enough assessment is not done on the family situation before it is suggested to a youth that he or she return home. I do believe that many of the youth who run away from home want relief from the family problems and violence to which they are exposed, but may not want, or be ready, to trigger the chain of events that will occur if abuse is disclosed.

As I acknowledged last year, I recognize that resources are stretched and agencies must set their priorities. Yet the situation of run away youths seems to be becoming an increasing social problem which will ultimately tax other components of our social systems, such as health and corrections, if the situation is not adequately addressed. I believe that agencies and departments have to consider whether the more traditional child welfare services are adequately addressing the problem. There appears to be a need for flexibility and creativity within the system in order to engage our street and runaway youth in joint planning for their future and to design and develop programs to effectively meet their needs. I recognize that this is a very complex social issue that crosses a number of social service systems and an issue for which there is not necessarily an easy answer. Nevertheless, it appears to be a problem that needs to be addressed and which may require some policy direction from the Government.

In my last Annual Report I stated we had been advised by the Department of Community Services (now Family Services) that in the fall of 1988, a joint committee had been struck to look at the issue of financial needs of older teens. However, follow-up inquiries in 1989 indicated that a decision had yet to be made on this matter. Our concerns were reported to the Deputy Minister. The Deputy Minister confirmed that these difficult issues had been examined on several occasions in recent years by staff from Child and Family Services, the Provincial Social Allowances Program and Municipal Social Assistance Programs. It was stated that the increasing number of minors who find themselves in an independent living situation, and who may be in need of financial aid but not of agency protection, raises serious concerns which may be difficult to reconcile with current legal and policy provisions. We were informed that no clear consensus had emerged between the competing objectives of maintaining the principle of family responsibility and addressing in a pragmatic fashion the immediate needs of minors requiring financial assistance.

I agree with a statement made by the Deputy Minister that extending unconditional financial support to minors living independently is not an ideal solution to the problem. Certainly family counselling and conciliation services to assist minors and their parents in overcoming differences wherever possible may be more advantageous in the long-term. However, it was also acknowledged by the Deputy Minister that there are some minors who are currently living independently without the need of protection and are unable to obtain the financial assistance they require.

We were advised that in response to our letter the Deputy Minister asked staff to review the matter once again and to recommend an approach that could resolve the concerns raised without sacrificing the important principle that families should bear the primary responsibility for the welfare of their children. It was stated that the recent amalgamation of related responsibilities (Income Security and Family Services) into a single department should facilitate the review and the development of satisfactory policies and procedures.

As of December 1989 we were awaiting information from the Department on developments in this area. In the interim, we continue to handle inquiries related to this issue on a case by case basis. Some of these case examples will be reported in the section on case summaries involving children.

Municipal Jurisdiction

Nine of Canada's ten provinces have a Provincial Ombudsman's office. Prince Edward Island is the only province that does not have an Ombudsman's office. Of the nine provinces that have Ombudsman offices, two - Nova Scotia and New Brunswick - have given their Provincial Ombudsman jurisdiction to investigate complaints involving municipal government departments and agencies. Also the Province of British Columbia has provisions within its Ombudsman legislation to extend the jurisdiction of its Provincial Ombudsman to include municipalities; however, these provinces have not yet been proclaimed. The Province of Ontario has been considering the jurisdiction of its Ombudsman with respect to municipalities but at this point no decision has been made to extend jurisdiction.

I think that there is an increasing awareness of the fact that citizens can benefit from Ombudsman services at the municipal level of government, a level of government which impacts upon the lives of many citizens even more frequently and more significantly than provincial government. The fact that Provincial Ombudsman offices across the country, even those without jurisdiction in municipal matters are contacted by many citizens with municipal concerns supports the need for an Ombudsman's office with jurisdiction to investigate these problems. The Ombudsman's office in Manitoba receives a number of complaints and inquiries each year concerning municipal governments and while we lack jurisdiction to investigate we do try to render assistance by making appropriate referrals and providing information which may aid in resolving problems.

Shortly after my appointment in 1982 as Manitoba's second Ombudsman I had the opportunity of discussing with the government my views regarding the extension of the Ombudsman's jurisdiction to cover municipalities. I expressed my belief that municipalities have much contact with, and influence over, individuals through various public services, agencies, boards, committees, commissions, etc. and because of this contact grievances sometimes arise and individuals find themselves at a loss as to how to resolve such matters. As well certain programs carried out at the municipal level often share with the Province both financial and administrative responsibilities. I stated my opinion that the Ombudman's office could perform a useful public service if given the responsibility of investigating complaints involving municipal levels of government. I proposed appropriate changes to The Ombudsman Act to enable the extension of the Ombudsman's jurisdiction to municipalities. The response, however was that the extension of the Ombudsman's jurisdiction to municipalities was not a high priority of government at that time due to financial restraint.

Over the years there has remained an interest in having Ombudsman services extended to municipalities and particularly to the municipality of the City of Winnipeg which encompasses over half the population of the Province of Manitoba. In fact, even before my appointment as Ombudsman the City of Winnipeg had requested the Province to extend the jurisdiction of the Ombudsman's office to include city matters but that request had not been acted upon, reportedly because of financial consideration. The thinking at the time, which continued beyond that early request, is perhaps best summarized by the following excerpt from Hansard dated May 7, 1984:

> *" Ombudsman's Act, The*
>
> *MR. SPEAKER: The Honourable Member for St. Norbert.*
>
> *MR. G. MERCIER: Mr. Speaker, I have a question for the Attorney-General.*
>
> *Last fall, I believe, the Ombudsman indicated publicly that he was seeking approval from the Provincial Government for a change in legislation to give him jurisdiction over municipalities. I would ask the Attorney-General whether or not he intends to bring in a change to The Ombudsman's Act that would give the Ombudsman that jurisdiction over municipalities, and whether he has consulted with the City of Winnipeg and the Union of Municipalities and the Association of Urban Municipalities in arriving at a decision?*
>
> *MR. SPEAKER: The Honourable Attorney-General*
>
> *HON. R. PENNER: I've received no representations from either the urban or rural associations.*

There was a representation, but it's now some time ago, from the City of Winnipeg. The indication at that time is one which would I give today; that is, if the City of Winnipeg wished to use the services of the Ombudsman, they're going to have to pay the cost that will undoubtedly be occasioned by the increased workload. If the City of Winnipeg indicates that in principle they're prepared to pay the cost, then in principle we're prepared to look at it."

The City's wish to have Ombudsman services and the Province's reluctance to provide this continued as evidenced by an article in the Winnipeg Free Press on April 9, 1985 where it is reported a city councillor "who proposed that the Provincial Ombudsman's powers be extended to include city affairs, said yesterday he was told the Province does not want to provide the service to the City when other Manitoba municipalities are without it."

Eventually as a result of a review of The City of Winnipeg Act and amendments to that Act passed by the Legislative Assembly of Manitoba in November 1989 provisions were enacted to enable the City of Winnipeg to establish the position of Ombudsman, who may be a person appointed by council or retained by the City to perform the duties of the Ombudsman.

What this means is that the City of Winnipeg now has the capability of appointing its own Ombudsman or entering into a contractual arrangement for the provision of Ombudsman services. In any event, according to the amendments passed by the Legislative Assembly, the City of Winnipeg must have in place a system for the provision of Ombudsman services by November 3, 1990.

From an Ombudsman's perspective thinking of consistency of the application of the Ombudsman concept and the accessibility of Ombudsman services for all citizens, I firmly believe it would have been preferable for the Province to have simply extended the jurisdiction of the Provincial Ombudsman to cover all municipalities, rather than focusing only on the Province's largest municipality. However, I am pleased that the City of Winnipeg does now have the wherewithal to provide for its residents what it has been seeking for some time, Ombudsman services at a local government level. While it is up to the City of Winnipeg to decide how it wishes to provide these services, I, as Provincial Ombudsman, would be prepared and pleased to assist by making such services available through my office on a contractual basis. However in order to do so there would have to be an amendment to The Ombudsman Act, and I am pleased to say that at the time of writing this report a commitment had been made by Cabinet that the necessary amendment to The Ombudsman Act will be introduced during the next session of the Legislature and adopted by November 3, 1990 so that if the City chooses to enter into negotiations with my office for Ombudsman services it may do so.

Public Relations

One of the most important features of the Ombudsman concept is the availability and accessibility of the Ombudsman. An Ombudsman must be publicly visible and accessible. It is important that all members of the public, who may require the Ombudsman's services, know who the Ombudsman is, and that the Ombudsman is ready and willing to be of assistance, if possible. Whereas the Ombudsman's office has a relatively small operating budget and therefore does not undertake paid advertisements regarding services available, it has often been asked of me how does one learn about the existence of the Ombudsman and his mandate.

There are several means whereby people are made aware of the Ombudsman's responsibility to investigate complaints against provincial government departments and agencies. One is by word of mouth from those who have knowledge of the office or have used the office. As well, some civil servants in their dealings with the public will advise dissatisfied clients of their right to contact the Ombudsman for an impartial review of their problem. Many institutions (psychiatric facilities, youth centres, correctional institutions etc.) will include in their handbooks and materials given to residents, information about the Ombudsman's office and its mandate to assist those residing in such institutions by reviewing any concerns they may have arising from alleged maladministration. Also these various institutions throughout the Province of Manitoba, all display our special poster advising of the services and availability of the Ombudsman.

Another method of publicizing the Ombudsman's office is by way of our telephone listing in all telephone directories in the Province. A toll free line to our office makes telephone calls more accessible and less painful for those who wish to contact us in that fashion. Accessibility by way of sending documentation has been made easier by the recent addition of a "fax" line.

From time to time there will be some news media coverage of various cases or issues in which our office is involved, and this publicity, although not initiated by our office, certainly does increase public awareness of our office and its function.

Although there are many ways by which the Office of the Ombudsman may be brought to the attention of the public, one of the most effective ways is that of public appearances and speaking engagements by the Ombudsman. This is a very personal service whereby the Ombudsman and various members of the public can meet face to face and learn about each other. It is an opportunity for the Ombudsman to personally present himself and his office, explain the role, jurisdiction and mandate of the Ombudsman and generally speaking let the public at large know of the Ombudsman's willingness and ability to help in matters brought to his attention. These public appearances provide an opportunity for the public to get to know their Ombudsman, present concerns to him and offer any suggestions as to how the Office of the Ombudsman may better serve them.

As indicated in previous Annual Reports the Ombudsman, during the course of a year, usually attends a variety of functions sponsored by various cross sections of the Manitoba mosaic. The year 1989 was no exception with the Ombudsman attending close to fifty public relation functions, many of which involved the Ombudsman as guest speaker or lecturer talking about the role of the Ombudsman. Rather than list all of these speaking engagements I have selected the following ten to illustrate the nature and scope of the public relations work undertaken by the Ombudsman during the past year.

Event	Location	Topic of Presentation
Correctional Officers Workshop	Milner Ridge	The Role of the Ombudsman
Grenadian Association of Manitoba, Inc. – Ninth Annual Banquet and Dance	Winnipeg	You and Your Community
The Rotary Club of Winnipeg – Luncheon Meeting	Winnipeg	The Role of the Ombudsman
The Manitoba Society of Criminology – Luncheon Meeting	Winnipeg	Justice in the Justice System
The 36th Annual Brandon United – Nations Youth Seminar	Brandon	Human Rights
Main Street Network	Winnipeg	The Role of the Ombudsman
Lord Selkirk Regional Comprehensive – Secondary School	Selkirk	The Role of the Ombudsman
Morden Collegiate Institute	Morden	The Role of the Ombudsman
Garden Valley Collegiate	Winkler	The Role of the Ombudsman
Collège Béliveau	Winnipeg	The Role of the Ombudsman in the Justice System

Ombudsman Staff Workshop

Edmonton, Alberta was the site of the 1989 Ombudsman Staff Workshop. The Ombudsman Staff Workshops have enjoyed increasing popularity over the years and this one hosted by the Province of Alberta was no exception. Three Investigators from our office attended this conference namely, Gail Perry, Raymond Wahl and Joy Goertzen. Gail Perry had a prominent role to play in one of the sessions presenting a paper entitled **Maintenance Enforcement: The Experience of Manitoba's Office of the Ombudsman.** Raymond Wahl also contributed significantly to the workshop by presenting a paper entitled **Workers' Compensation - Pertaining to Conflicting Medical Reports and the Subjective Nature of Pain.**

Apart from Maintenance Enforcement and Workers Compensation some other topics discussed were: Basic Investigative Techniques; Coping with Bureaucratic Barriers Encountered by Staff; Alternative Dispute Resolution Techniques; Native Issues; Case Management; Privatization - Contracting Out of Government Services; Administrative Tribunals; and Personal Skills - Stress Management. This wide range of topics dealt with by well qualified people proved, I am sure, to be very interesting and informative to not only our staff members but to all in attendance at the workshop. The Manitoba Ombudsman's office expresses its appreciation to the Alberta Ombudsman's office for planning and hosting a very successful 1989 Ombudsman Staff Workshop.

Canadian Ombudsman Conference

The annual Canadian Ombudsman Conference was held in Québec City in the Province of Québec from October 30, 1989 until November 1, 1989 hosted by the Office of the Québec Ombudsman (Le Protecteur du citoyen). The theme of the conference "And What About People?" inspired a comprehensive review of the Ombudsman concept against the backdrop of the people Ombudsmen are intended to serve. The role of the Ombudsman in today's society was seriously examined looking at such topics as: The Systemic Approach; The Ombudsman and the Media; The Charter; Administrative Fairness, and the Effectiveness of Ombudsmen. On this last topic I was pleased to present to the conference a paper entitled **The Ombudsman - An Effective Recourse for Citizens?**. I have included this paper as an appendix to this report as I feel the information may be useful in helping people understand the role and function of the Ombudsman in today's society.

My assessment of the Canadian Ombudsman Conference in Québec is that it was a very successful and very rewarding conference. The warmth, vitality and hospitality of the Public Protector and his staff rendered this conference second to none, and I express my sincere appreciation for the opportunity to meet and share experiences with friends and colleagues in La Belle Province du Québec.

Complaint Statistics

Cases Brought Forward From The Previous Year

At the close of 1988, there were 323 cases still pending (3 of which were from 1983, 1 from 1984, 11 from 1985, 37 from 1986, 40 from 1987, and the remainder, 231, from 1988. The disposition of these cases are as follows:

Assistance Rendered 17

83-280-40 — Highways and Transportation
85-150-122 — Community Services
85-290-103 — Health
86-140-121 — Community Services
86-350-1 — Manitoba Public Insurance Corporation
87-140-134 — Community Services
88-110-51 — Attorney General
88-110-136 — Attorney General
88-110-143 — Attorney General
88-140-120 — Community Services
88-140-122 — Community Services
88-140-134 — Community Services
88-200-10 — Education
88-350-89 — Manitoba Public Insurance Corporation
88-350-96 — Manitoba Public Insurance Corporation
88-380-24 — Private Matters
88-410-38 — Workers Compensation Board

Discontinued (Client) 12

86-140-52 — Community Services
86-140-127 — Community Services
87-140-137 — Community Services
87-290-32 — Housing
88-100-7 — Agriculture
88-110-75 — Attorney General
88-110-160 — Attorney General
88-140-131 — Community Services
88-140-138 — Community Services
88-150-4 — Consumer and Corporate Affairs
88-270-57 — Health
88-320-16 — Labour

Discontinued (Ombudsman) 11

85-290-67 — Health
86-140-16 — Community Services
87-140-177 — Community Services
87-350-18 — Manitoba Public Insurance Corporation
87-370-1 — Northern Affairs
88-100-6 — Agriculture

88-140-128 — Community Services
88-200-3 — Education
88-270-68 — Health
88-350-44 — Manitoba Public Insurance Corporation
88-360-13 — Natural Resources

Information Supplied 59

86-280-7 — Highways and Transportation
86-290-19 — Housing
86-350-20 — Manitoba Public Insurance Corporation
87-140-153 — Community Services
87-270-69 — Health
87-290-35 — Housing
88-110-135 — Attorney General
88-110-140 — Attorney General
88-110-145 — Attorney General
88-130-4 — Civil Service Commission
88-140-1 — Community Services
88-140-14 — Community Services
88-140-44 — Community Services
88-140-74 — Community Services
88-140-109 — Community Services
88-140-110 — Community Services
88-140-119 — Community Services
88-140-123 — Community Services
88-140-125 — Community Services
88-140-137 — Community Services
88-170-11 — Corporations and Extra Departmental
88-210-12 — Employment Services and Economic Security
88-210-43 — Employment Services and Economic Security
88-270-53 — Health
88-270-63 — Health
88-280-4 — Highways and Transportation
88-280-6 — Highways and Transportation
88-280-7 — Highways and Transportation
88-280-8 — Highways and Transportation
88-280-9 — Highways and Transportation
88-280-10 — Highways and Transportation
88-280-11 — Highways and Transportation
88-280-12 — Highways and Transportation
88-280-13 — Highways and Transportation
88-280-14 — Highways and Transportation
88-280-18 — Highways and Transportation
88-280-20 — Highways and Transportation

88-280-21 — Highways and Transportation
88-280-22 — Highways and Transportation
88-280-24 — Highways and Transportation
88-280-28 — Highways and Transportation
88-280-29 — Highways and Transportation
88-280-33 — Highways and Transportation
88-280-36 — Highways and Transportation
88-280-37 — Highways and Transportation
88-280-50 — Highways and Transportation
88-280-51 — Highways and Transportation
88-340-5 — Municipalities, Cities, Towns, Etc.
88-350-18 — Manitoba Public Insurance Corporation
88-350-19 — Manitoba Public Insurance Corporation
88-350-21 — Manitoba Public Insurance Corporation
88-350-38 — Manitoba Public Insurance Corporation
88-350-51 — Manitoba Public Insurance Corporation
88-350-74 — Manitoba Public Insurance Corporation
88-350-80 — Manitoba Public Insurance Corporation
88-350-82 — Manitoba Public Insurance Corporation
88-380-70 — Private Matters
88-380-71 — Private Matters
88-410-34 — Workers Compensation Board

Not Supported 101

85-290-9 — Health
85-360-12 — Manitoba Public Insurance Corporation
85-360-20 — Manitoba Public Insurance Corporation
85-360-34 — Manitoba Public Insurance Corporation
86-110-20 — Attorney General
86-110-26 — Attorney General
86-110-33 — Attorney General
86-140-3 — Community Services
86-140-14 — Community Services
86-140-15 — Community Services
86-140-51 — Community Services
86-140-57 — Community Services
86-140-141 — Community Services
86-140-142 — Community Services
86-280-21 — Highways and Transportation
86-390-17 — Housing
86-350-2 — Manitoba Public Insurance Corporation
86-350-7 — Manitoba Public Insurance Corporation
86-350-12 — Manitoba Public Insurance Corporation
86-350-17 — Manitoba Public Insurance Corporation

86-350-19 — Manitoba Public Insurance Corporation
86-350-22 — Manitoba Public Insurance Corporation
86-350-30 — Manitoba Public Insurance Corporation
86-350-44 — Manitoba Public Insurance Corporation
87-100-8 — Agriculture
87-110-16 — Attorney General
87-110-46 — Attorney General
87-110-51 — Attorney General
87-140-37 — Community Services
87-140-79 — Community Services
87-140-84 — Community Services
87-140-163 — Community Services
87-250-3 — Finance
87-270-82 — Health
87-290-25 — Housing
87-290-31 — Housing
87-350-8 — Manitoba Public Insurance Corporation
88-100-2 — Agriculture
88-100-8 — Agriculture
88-100-9 — Agriculture
88-110-2 — Attorney General
88-110-10 — Attorney General
88-110-29 — Attorney General
88-110-40 — Attorney General
88-110-74 — Attorney General
88-110-83 — Attorney General
88-110-94 — Attorney General
88-110-98 — Attorney General
88-110-102 — Attorney General
88-110-104 — Attorney General
88-110-132 — Attorney General
88-110-142 — Attorney General
88-110-144 — Attorney General
88-110-152 — Attorney General
88-110-155 — Attorney General
88-110-159 — Attorney General
88-140-19 — Community Services
88-140-79 — Community Services
88-140-116 — Community Services
88-140-124 — Community Services
88-140-136 — Community Services
88-170-10 — Corporations and Extra Departmental
88-200-9 — Education

88-200-11 — Education
88-210-41 — Employment Services and Economic Security
88-210-47 — Employment Services and Economic Security
88-230-3 — Environment and Workplace Safety and Health
88-230-4 — Environment and Workplace Safety and Health
88-270-59 — Health
88-270-60 — Health
88-270-61 — Health
88-280-1 — Highways and Transportation
88-280-52 — Highways and Transportation
88-280-53 — Highways and Transportation
88-290-29 — Housing
88-290-30 — Housing
88-290-31 — Housing
88-290-32 — Housing
88-300-10 — Manitoba Hydro
88-300-17 — Manitoba Hydro
88-320-9 — Labour
88-320-12 — Labour
88-320-13 — Labour
88-350-36 — Manitoba Public Insurance Corporation
88-350-60 — Manitoba Public Insurance Corporation
88-350-64 — Manitoba Public Insurance Corporation
88-350-65 — Manitoba Public Insurance Corporation
88-350-68 — Manitoba Public Insurance Corporation
88-350-75 — Manitoba Public Insurance Corporation
88-350-76 — Manitoba Public Insurance Corporation
88-350-77 — Manitoba Public Insurance Corporation
88-350-79 — Manitoba Public Insurance Corporation
88-350-85 — Manitoba Public Insurance Corporation
88-350-87 — Manitoba Public Insurance Corporation
88-350-90 — Manitoba Public Insurance Corporation
88-350-93 — Manitoba Public Insurance Corporation
88-350-98 — Manitoba Public Insurance Corporation
88-360-7 — Natural Resources
88-360-8 — Natural Resources
88-410-16 — Workers Compensation Board
88-410-27 — Workers Compensation Board

Partially Resolved. 1

87-140-44 — Community Services

Resolved 62

83-360-8 — Natural Resources

86-290-3 — Housing
86-330-2 — Municipal Affairs
86-330-3 — Municipal Affairs
86-350-28 — Manitoba Public Insurance Corporation
87-140-176 — Community Services
87-220-1 — Energy and Mines
87-270-107 — Health
87-280-17 — Highways and Transportation
87-330-2 — Municipal Affairs
87-350-15 — Manitoba Public Insurance Corporation
87-350-45 — Manitoba Public Insurance Corporation
87-360-10 — Natural Resources
87-360-13 — Natural Resources
87-360-17 — Natural Resources
88-110-44 — Attorney General
88-110-49 — Attorney General
88-110-55 — Attorney General
88-110-80 — Attorney General
88-110-84 — Attorney General
88-110-106 — Attorney General
88-110-107 — Attorney General
88-110-122 — Attorney General
88-110-126 — Attorney General
88-110-134 — Attorney General
88-110-137 — Attorney General
88-140-21 — Community Services
88-140-95 — Community Services
88-140-96 — Community Services
88-140-98 — Community Services
88-140-108 — Community Services
88-170-6 — Corporations and Extra Departmental
88-170-7 — Corporations and Extra Departmental
88-210-27 — Employment Services and Economic Security
88-210-28 — Employment Services and Economic Security
88-220-1 — Energy and Mines
88-230-6 — Environment and Workplace Safety and Health
88-230-7 — Environment and Workplace Safety and Health
88-260-1 — Government Services
88-260-2 — Government Services
88-270-37 — Health
88-280-5 — Highways and Transportation
88-280-16 — Highways and Transportation
88-280-17 — Highways and Transportation

88-280-19 — Highways and Transportation
88-280-27 — Highways and Transportation
88-280-30 — Highways and Transportation
88-290-33 — Housing
88-300-23 — Manitoba Hydro
88-320-14 — Labour
88-340-6 — Municipalities, Cities, Towns, Etc.
88-350-13 — Manitoba Public Insurance Corporation
88-350-35 — Manitoba Public Insurance Corporation
88-350-57 — Manitoba Public Insurance Corporation
88-350-70 — Manitoba Public Insurance Corporation
88-350-71 — Manitoba Public Insurance Corporation
88-350-73 — Manitoba Public Insurance Corporation
88-350-81 — Manitoba Public Insurance Corporation
88-350-83 — Manitoba Public Insurance Corporation
88-350-84 — Manitoba Public Insurance Corporation
88-360-11 — Natural Resources
88-410-39 — Workers Compensation Board

Pending 60

83-220-3 — Environment and Workplace Safety and Health
84-350-58 — Manitoba Public Insurance Corporation
85-150-139 — Community Services
85-230-32 — Employment Services and Economic Security
85-290-52 — Health
85-330-5 — Labour
86-130-1 — Civil Service Commission
86-140-79 — Community Services
86-140-92 — Community Services
86-140-147 — Community Services
86-330-5 — Municipal Affairs
87-110-15 — Attorney General
87-140-4 — Community Services
87-140-81 — Community Services
87-140-105 — Community Services
87-140-115 — Community Services
87-260-2 — Government Services
87-280-20 — Highways and Transportation
87-360-4 — Natural Resources
88-110-5 — Attorney General
88-110-6 — Attorney General
88-110-43 — Attorney General
88-110-82 — Attorney General
88-110-116 — Attorney General

88-110-120	— Attorney General
88-110-128	— Attorney General
88-110-130	— Attorney General
88-110-146	— Attorney General
88-140-24	— Community Services
88-140-82	— Community Services
88-140-85	— Community Services
88-140-94	— Community Services
88-140-100	— Community Services
88-140-101	— Community Services
88-140-107	— Community Services
88-140-115	— Community Services
88-140-117	— Community Services
88-140-126	— Community Services
88-140-127	— Community Services
88-140-129	— Community Services
88-140-133	— Community Services
88-140-135	— Community Services
88-200-2	— Education
88-200-6	— Education
88-270-22	— Health
88-270-25	— Health
88-270-67	— Health
88-280-3	— Highways and Transportation
88-280-39	— Highways and Transportation
88-290-4	— Housing
88-290-28	— Housing
88-350-31	— Manitoba Public Insurance Corporation
88-350-50	— Manitoba Public Insurance Corporation
88-350-58	— Manitoba Public Insurance Corporation
88-360-3	— Natural Resources
88-360-6	— Natural Resources
88-380-36	— Private Matters
88-380-62	— Private Matters
88-410-28	— Workers Compensation Board
88-410-32	— Workers Compensation Board

From the above, it is noted that of the 323 cases brought forward from the last reporting year, 263 (81%) were concluded during this reporting year with 60 (19%) being carried over into 1990.

Disposition of 1989 Complaints

Assistance Rendered	44
Declined	34
Discontinued (Client)	55
Discontinued (Ombudsman)	20
Information Supplied	164
Not Supported	165
Pending	222
Resolved	125
TOTAL	**829**

Looking at the disposition of the complaints received in 1989, we note that 606 or 73% were completed during the year. Of that number, 333 or 55% were in the categories Assistance Rendered, Information Supplied and Resolved.

The number of cases carried over to 1990 was 222 or 27% of the cases received during the year. This is slightly lower than the 28% caseload which was carried over from 1988 to 1989.

There was only a small number of cases which the Ombudsman declined to investigate, namely 34, which represents 4% of the total number of cases received.

Of the cases received during the year, 75 or 12% were discontinued either by the Ombudsman or the client.

Finally, of the cases completed, we note that 165 or 27% were not supported.

Complaints Attributed to each Department, Agency or Category

Rank	Department or Category	Number of Complaints	Percentage of Total (Approximately)	Number of Complaints Up from Last Year (+) Down from Last Year (-)
1	Ministry of Justice	236	28.47%	+
2	Workers Compensation Board	97	11.70%	+
3	Manitoba Public Insurance Corporation	87	10.49%	-
4	Family Services	82	9.89%	-
5	Health	72	8.69%	+
6	Private Matters	53	6.39%	-
7	Highways and Transportation	32	3.86%	-
8	Housing	25	3.02%	-
9	Labour	18	2.17%	+
10	Employment Services and Economic Security	15	1.81%	-
11	Agriculture	14	1.69%	+
	Federal Departments and Agencies	14	1.69%	+
12	Municipalities, Cities, Towns, Etc.	13	1.57%	+
	Corporations and Extra Departmental	13	1.57%	+
13	Manitoba Hydro	8	0.97%	-
	Co-operative, Consumer and Corporate Affairs	8	0.97%	+
	Civil Service Commission	8	0.97%	+
14	Natural Resources	7	0.84%	-
	Education and Training	7	0.84%	-
	Finance	7	0.84%	+
15	Government Services	5	0.60%	+
16	Rural Development	2	0.24%	+
	Industry, Trade and Tourism	2	0.24%	+
17	Environment	1	0.12%	-
	Northern Affairs	1	0.12%	same
	Energy and Mines	1	0.12%	same
	Executive Council	1	0.12%	+
TOTAL		**829**	**100.00%**	

Complaints by the Year

Year	Written Complaints	Telephone Enquiries	Total of Written Complaints and Telephone Enquiries
1970	333	–	333
1971	396	–	396
1972	487	–	487
1973	441	–	441
1974	641	–	641
1975	651	–	651
1976	596	–	596
1977	606	–	606
1978	543	–	543
1979	531	–	531
1980	510	–	510
1981	526	–	526
1982	551	348	899
1983	728	1,179	1,907
1984	807	1,275	2,082
1985	858	1,826	2,684
1986	674	1,347	2,021
1987	757	3,261	4,018
1988	843	2,262	3,105
1989	829	3,004	3,833
TOTALS	**12,308**	**14,502**	**26,810**

Sources of Complaints

Altona	1	Inwood	1
Anola	1	Killarney	1
Arborg	4	Lac Du Bonnet	3
Ashville	2	Landmark	1
Balmoral	1	Lundar	2
Beausejour	10	MacGregor	2
Birch River	1	Mafeking	1
Brandon	44	Manigotogan	1
Carberry	2	Marquette	1
Carman	3	Matlock	1
Churchill	1	McCreary	1
Crandall	3	Miniota	1
Cross Lake	1	Minitonas	1
Dauphin	4	Minnedosa	2
Dufresne	1	Moosehorn	1
Dugald	1	Morden	2
East Braintree	1	Neepawa	1
Ebb & Flow	1	NorwayHouse	2
Elgin	1	Notre Dame de Lourdes	1
Elkhorn	2	Oakburn	1
Erickson	1	Oak Lake	1
Fairford	1	Oakville	1
Fisher Branch	1	Otterburne	2
Flin Flon	2	Petersfield	1
Forest	1	Pilot Mound	1
Gilbert Plains	1	Pinawa	2
Gimli	5	Pine River	2
Gladstone	1	Pointe du Bois	1
Gods Lake Narrows	1	Poplar Point	1
Grandview	3	Poplar River	1
Gunton	1	Portage la Prairie	23
Hadashville	1	Pratt	1
Hamiota	1	Rapid City	1
Headingley	56	Riverton	2
Île des Chenes	1	Roblin	1

Roland	1	Stephenfield	1
Russell	3	Stockton	1
San Clara	1	Stonewall	3
Sandy Hook	2	Stony Mountain	1
Selkirk	14	Swan River	2
Snow Lake	2	Teulon	1
Split Lake	1	The Pas	13
St. Adolphe	3	Thompson	4
St. Claude	1	Thornhill	1
St. Germain	1	Vermette	1
St. Laurent	1	Virden	4
St. Pierre Jolys	1	Vita	1
Ste. Rose du Lac	3	Vogar	1
Ste. Agathe	1	Waterhen	2
Ste. Anne	4	Winkler	4
Steep Rock	1	Winnipeg	479
Steinbach	1	Winnipeg Beach	1
Sub-total			**791**
Out of Province			
Alberta	6	North West Territories	1
British Columbia	5	Nova Scotia	2
California	1	Ontario	17
New Brunswick	1	Saskatchewan	5
Sub-total			**38**
TOTAL			**829**

Selected Case Summaries

Cases Involving Children

89-110-15 Manitoba Attorney General

Youth concerned about denial of bail application after being charged under The Young Offenders Act.

One morning the Investigator (Child & Adolescent Services) received a telephone call from a 17 year old youth who had been admitted to the Manitoba Youth Centre on a charge of mischief. His concern was that he had been placed in the Manitoba Youth Centre at approximately 6:00 a.m. the previous day. He had missed the court docket that day and stated he had been unable to make a bail application until 6:00 p.m. in the evening. He was concerned that his bail had been denied, and he was upset over the length of time it had taken before his bail application was heard.

The youth was to be appearing in court on the same morning that he had telephoned our office to register his complaint. With respect to the denial of his bail, the Ombudsman is not authorized to investigate orders or decisions made in any proceedings before the court. Therefore, the granting or denial of bail applications was outside the Ombudsman's jurisdiction. As it turned out when the youth appeared in court that day he was subsequently released.

While there was nothing we could do on a practical basis for this youth, we did make some inquiries regarding his situation and it came to our attention that youth placed in custody at the Manitoba Youth Centre do not have access to judicial officers during regular working hours.

The information received was that court was held there every morning to deal with custody matters and once court is concluded any bail applications for youth would have to be made after regular working hours.

However, it was our understanding that adult offenders had access to judicial officers during the day to deal with bail applications. Therefore, we were concerned about what appeared to be differential treatment of youths and adults since adults had more immediate access to judicial officers than did juveniles. As a result I opened a file on my own initiative to pursue this issue with the Department of the Attorney General. I will report further on this in my next Annual Report.

89-140-4 Manitoba Family Services

Complaining about the handling of his situation by Child and Family Services agency.

A complaint was received from an inmate at a correctional facility. He advised that approximately three months before contacting our office he had been incarcerated after pleading guilty to sexual offences involving his children. He reported that the abuse had actually stopped approximately one and a half years prior to the involvement of the police and Child and Family Services agency. At that time, the children had disclosed to their mother what was occurring. She had confronted him and he stated the abuse had stopped. However, approximately one and a half years later one of the children made a disclosure at school about the previous abuse. It was then that the police and Child and Family Services agency became involved.

Our complainant felt that he and his family had worked through the matter prior to the disclosure. However he did not believe that the efforts made by the family had been recognized or that the family had been given credit for what they had accomplished on their own. He felt the impression given was that the abuse only stopped because of agency intervention and that impression, he maintained, was not correct. He also reported that the agency had not provided counselling to the family after the offence came to light and prior to his jail sentence. He felt this was contributing to marital problems that he and his wife had been experiencing since his incarceration. He also raised a concern that the Pre-Sentence Report which had been prepared by the Probation Officer contained inaccuracies, specifically in relation to the dates of the offences. He seemed to feel that the inaccuracies in the report might affect his opportunity to obtain counselling.

As a result of this complaint, reports were received both from the Child and Family Services agency and Community and Youth Correctional Services. A copy of the Pre-Sentence Report and the Child and Family Services agency files were reviewed. Probation staff and Child and Family Services personnel were interviewed. Inquiries were also made with the correctional facility where our com-

plainant resided. The Investigator also spoke with our complainant's wife.

The information received during our review indicated that the agency had recognized that the sexual offences had reportedly stopped prior to the child's disclosure at school. There was no suggestion in the agency records that the abuse stopped only because of agency intervention at the time of disclosure. It appeared that the agency had accepted the family statements that the abuse had stopped after the father was confronted by his wife and that initially she was supportive of him.

The Pre-Sentence Report reported that the children viewed the incidents as events in the past and that they expressed a desire to reunite with their father. It also reflected that the wife had dealt with her feelings after discovering the abuse of the children and that she was prepared to forgive her husband and go forward with their lives.

There did not appear to be any basis for the complainant's concerns that the efforts made by the family to deal with the situation were not recognized. However, it was pointed out to our complainant that he was charged with a criminal offence and the court had determined that he should be imprisoned. We informed him that while he felt he may have been treated unfairly by the people in the system, we were not in a position to conclude that the system was responsible for any difficulties which he was now facing in his family life. His report that the family was not offered or provided counselling, was not consistent with the information received from the agency.

A review of the agency file indicated that there was support offered following the initial disclosure and the involvement by the agency. However, at that time the complainant and his wife did not view counselling or support groups as necessary. It appeared that when the agency first became aware of the abuse there was intensive involvement and follow-up for approximately four months. However, following that there appeared to be minimal or no contact. This seemed to be due in part to the fact that the father was to be living out of the home and there were no specific protection issues identified with the children who remained with their mother.

The agency was also of the opinion that the complainant and his wife were not receptive to, nor did they view themselves as needing, counselling.

In order to support his position that the agency did not know what was going on and had not provided them with appropriate services, our complainant reported to us that prior to his court date and subsequent incarceration he had moved back into the family home and the agency had not been aware of this. In light of this, we did agree that more follow-up and contact should have been maintained by the agency as they still had an open file on the family. There was very little documentation on the agency file after the initial fairly intensive involvement had terminated. Our concerns in these areas were shared with the agency.

After a thorough review of this complaint we were unable to support our complainant's view that either the system, or the people in the system, were directly responsible for any of his personal difficulties. Around the time we were making our inquiries the agency was in contact with his wife and children and counselling and support services were being made available to them.

With respect to the issues of dates contained in the Pre-Sentence Report, we advised our complainant that the information provided was apparently obtained from police reports. We have no jurisdiction over the police nor did we have any grounds to suggest that the Pre-Sentence Report needed to be amended. We suggested to our complainant that any concerns he had regarding dates of offences should have been addressed when the matter was before the courts. He was assured that while he maintained the dates of the offences were incorrect this would in no way affect any counselling services to which he may be entitled. The Probation Order contained provisions for him to participate in individual counselling and an offender group treatment program as deemed appropriate by Probation Services.

In conclusion, while there were some administrative issues which we brought to the attention of the agency, overall we were not in a position to support our complainant's position that he had been treated adversely by the system.

89-140-29 **Manitoba Family Services**

Alleges unfair investigation by Child and Family Services agency.

A single parent of a young child contacted our office and stated that she had recently been investigated by a Child and Family Services agency. The investigation had taken place approximately one week prior to her contacting our office but she stated she was still unclear as to what the allegations were or if they were felt to be valid. She believed that the complaint made against her may have been of a mischievous nature as she had been involved in a landlord and tenant dispute. She felt the agency should be taking the landlord and tenant dispute into consideration as it might be related to the complaint they had received.

Our complainant raised the concern that her daughter had been taken into a separate room to be interviewed by the social worker investigating the complaint against her. Also she was upset that a student had subsequently been sent by the agency to assist her in locating other living accommodations and advised that this was done without her consent or consultation. She advised that she had a history of being treated for mental illness. She felt the agency was "pressuring" her on the basis of her mental health history. Our complainant's concerns were shared with the agency and a detailed report was received.

The agency confirmed that they had become involved with our complainant and her daughter after it had been reported that the child appeared to have scratches and bruises on her face. The conclusion of the investigation by the agency was that there was no evidence of physical abuse. We were also informed that the mother had been advised, on the day of the investigation, that the nature of the complaint did not appear to be substantiated. However, the agency was aware of the mother's mental health history because of previous involvement with her. During their discussion with the mother they did have concerns regarding the personal pressures she was under and with regard to her current living situation. Therefore a student had been assigned to assist her with locating a new apartment. The agency advised that the use of a student as a resource was discussed with our complainant and that they believed she was aware the student would be attending at her home.

After receiving the information from the agency we advised our complainant that Child and Family Services agencies do have a responsibility to investigate reports that children are not receiving adequate care or they may be in need of protection. Therefore the agency was required to investigate the concern brought to their attention with respect to her daughter's welfare. We also informed her that The Child and Family Services Act has provisions to protect the identity of individuals who provide information that a child may be of need of protection. Therefore, the agency was not in a position to divulge to our complainant from whom the complaint was received. However, we assured her that the agency was aware of her tenancy problems and would have taken into consideration any concerns she may have raised regarding a malicious or vindictive complaint.

With respect to the concern that her daughter had been interviewed privately, we explained that it is a normal practise of an agency to interview children separate from their parent(s) if allegations of abuse are made that may involve the parent(s). We confirmed for her that the conclusion of the investigation was that there was no evidence of physical abuse, but the agency did have concerns about the personal stress she was under. We felt that the agency had been appropriately involved with her following the concerns which came to their attention. In addition, it seemed that the aid of a student was offered in an effort to provide her with assistance and support.

We also advised our complainant that while the agency was aware of her mental health history it appeared that services and support were offered by the agency out of a genuine concern for her welfare based on their observations and contact during the investigation. There was no indication that they were pressuring her on the basis of her past history.

Our file on this matter was concluded as Not Supported.

89-140-30 Manitoba Family Services

Teenage mom requesting financial assistance.

The Investigator (Child and Adolescent Services) received a phone call from a 17 year old who advised she was the mother of two children, nineteen months and six months of age. She explained that she had previously been living with her own parents but had later moved in with the father of her second child. He had been supporting them financially but they had separated approximately three months prior to her contact with our office. Since the separation she had been supporting herself from her own savings but these had run out. She had applied to Provincial Social Allowances but was informed she would not be eligible for assistance until she turned 18 years old. Her eighteenth birthday was in three weeks. She advised that she was not involved with any Child and Family Services agency. The Investigator advised her that she would be prepared to call the Child and Family Services agency in her area to discuss her situation. She was in agreement with this.

Inquiries were then made with the local Child and Family Services agency. The Supervisor was familiar with the family and indicated there had been no need for child welfare involvement because the young mother came from a very supportive family and had been living with her parents.

The Supervisor discussed the agency's position that they would not take children into care simply for financial reasons. The Supervisor did not feel that financial reasons would be sufficient for bringing a teenager, who is considered to be a competent mother, and her two children into care. However, we felt there was a concern if this young mom did not have finances to provide food for her children and the Supervisor indicated that their intake worker would be in contact with her. The Supervisor later contacted our office again and advised that there were absolutely no protection concerns and it was felt that this young mother had very good parenting skills. However, given that the mom was only three weeks from her eighteenth birthday they made arrangements to provide her with assistance to provide for groceries. It was pointed out to our office that this was an exceptional case and assistance was given due to the mother's short term need until she was eligible for social allowances. The Agency's Director had also discussed the case with officials of the Provincial Social Allowances Program and arrangements were made for our complainant to be enrolled.

While this case was ultimately resolved, it illustrates an example of a situation where a teenage single mother living independently, without need of agency protection, was unable to obtain financial assistance on her own. It may also indicate a need to set up clear lines of communication between Income Security offices and Child and Family Services agencies to conference cases and not have young people who may get overwhelmed by the system bouncing between offices.

89-140-51 Manitoba Family Services

Alleges unfair denial of social allowances.

In September 1989 I received a letter from a woman who stated she had legal guardianship of a 17 year old single mother and her young daughter, who was just under 3 years of age. She reported that approximately two years previously these two children had been placed in the care of a Child and Family Services agency, under a Voluntary Placement Agreement between the agency and the teenager's natural mother. Our complainant had provided foster care for the children during that time. However, in June 1989 the Child and Family Services agency had determined that there were no child welfare concerns and the Voluntary Placement Agreement was not renewed. Our complainant reported that she had been encouraged by the agency to seek guardianship of the two children. She reported that a guardianship agreement had been drawn up and consent was given by the natural mother/grandmother of the children for her to become guardian. Until the termination of the Voluntary Placement Agreement, our complainant had been receiving financial assistance from the Child and Family Services agency for the care and support of the children.

The problem arose when the Voluntary Placement Agreement was withdrawn and guardianship transferred. Our complainant then received no financial support for the children. The birth mother was on Provincial Social

Allowances and not in a position to provide financial support herself. Our complainant was also a recipient of Provincial Social Allowances due to a medical problem.

Clause 5(1)(f) of The Social Allowances Act makes provision for paying social allowances in respect of a person who would be likely to lack the basic necessities, and who is "... a child both of whose parents are dead or in the opinion of the director are unable to contribute to his maintenance and who is wholly dependent on another person for his basic necessities;".

Our complainant had applied to Family Services, Income Security Division for Provincial Social Allowances under the 5(1)(f) category. However, she was advised that the application had been rejected and that the Department was of the opinion that there appeared to be no conclusive reason why the two children could not return to the home of their natural mother/grandmother. It was also stated that a verbal report from the case worker with the Child and Family Services agency concurred with the Department's findings. Our complainant was advised of her right to appeal the decision to the Social Services Advisory Committee.

Generally, when there is a right of appeal, the Ombudsman would not become involved until after that right had been exercised or if the time period for the appeal had expired.

In this particular case the Investigator (Child & Adolescent Services) contacted the complainant to discuss her concern and her right of appeal. Our complainant confirmed that she did have an appeal date set. However, in further discussion we were also advised that our complainant had spoken to the Child and Family Services worker, and her understanding was that the worker felt that the children should remain with her. The young mother was attending high school on a regular basis and her goal was to graduate. Our complainant looked after the young daughter while the mother was attending school. The teenage mom's preference was to continue in the present living arrangement.

Based on the information we were receiving from the complainant, our Investigator made some further inquiries with Child and Family Services and the Provincial Income Security Division to obtain clarification on this case. While generally we would not intercede in a case where a statutory right of appeal exists, the Ombudsman can investigate directly if he is satisfied that in the particular case it would be unreasonable to expect the complainant to resort to that route.

The Child and Family Services worker confirmed with the Investigator that she felt the children were living in a stable environment and that it would be better for them to remain where they were. However, when the Income Security counsellor had asked her if the children would be at risk if they returned to live with their birth mother/grandmother, she was unable to say that they would be "at risk". The agency had closed the file when guardianship had been transferred to our complainant as they did not see any need for ongoing involvement from the agency.

Our Investigator then discussed the case with the Executive Director of the Social Allowances Program. We did have some concern with respect to an Income Security counsellor seemingly becoming involved in guardianship decisions. The Executive Director advised that he would have the matter reviewed.

Following our inquiries, senior staff from the Income Security District office conferenced the case with the Child and Family Services officials. A meeting was held, which was also attended by our complainant, the teenage mother, and her birth mother.

The position of the Income Security District office was that the Voluntary Placement Agreement should have been extended for one year to allow the teenage mother to reach the age of majority. It was felt that the environment in the birth mother's home had not significantly changed and the daughter was refusing to return to live there with her own child. It was also reported that the guardianship agreement had not been ratified by Family Court and allowed for either party to terminate the agreement by providing seven days notice in writing. We were advised that the position of the Child and Family Services agency was that the teenager and her daughter could reside either with our complainant or with her birth mother. As both women were currently recipients of Provincial Social Allowances, provincial funding would be required in any event.

In an effort to resolve the situation the children were reinstated by Income Security on the birth mother's file and the benefits allocated were paid directly to our complainant. She was also to

receive retroactive benefits to compensate for the funds which had been discontinued by the Child and Family Services agency.

We were pleased with the action that had been taken to address the concerns specific to this case. However, we feel this case is very indicative of the broader issues which we have addressed previously regarding financial assistance to minors. The initial handling of this case certainly created some unnecessary stress and uncertainty for both our complainant and the children involved.

89-140-58 Manitoba Family Services

Teenager reports difficulty obtaining financial assistance.

A 17 year old youth, accompanied by her boyfriend who was in his early twenties attended at our office. They advised that they had been living together for approximately six months. The boyfriend had been supporting the couple but due to an injury he was no longer working and was receiving social assistance through the City. Our complainant was to turn 18 years the following month but the City had refused to provide any extra financial benefits as she was at that point still under 18 years. The couple advised they needed assistance primarily for groceries and had approached a Child and Family Services agency for assistance. They reported the agency had denied them assistance because they would not support a common-law relationship.

Our teenaged complainant reported that she refused to return home to live with her mother and indicated there were family difficulties. Her parents were divorced and both had remarried. Her father had a new family by his second marriage and she did not view living with her father as an option. She advised they planned to get married when she turned 18 years of age and also indicated that her father was going to help them pay for the wedding. However, when our Investigator discussed with them the possibility of her parents assisting them financially for her maintenance she indicated that was not possible. She stated that her mother did not approve of her current relationship and wanted her to return home. The Investigator discussed with the couple the parents' financial responsibility until she turned 18 years and that we could understand that an agency would not necessarily be in a position to provide financial assistance to support them in a common-law relationship, particularly when her legal guardian was not condoning it. Nevertheless, they were advised that we would make some inquiries with the Child and Family Services agency involved to discuss the situation. As the Supervisor of the office they had been dealing with was not immediately available, it was arranged that the couple would contact our Investigator again after the latter had had an opportunity to make some inquiries.

The Supervisor was not directly familiar with the case but he indicated that the couple would have been told that there would be no financial support available for a common-law relationship. If our complainant was prepared to consider alternatives the agency would be prepared to review the situation. In this particular case the position of the agency did not seem to be unreasonable. The complainant would turn 18 years in one month and based on what they were saying, her father was prepared to pay for the wedding but not her maintenance. The young couple were not prepared to consider any alternatives such as using money from her father to cover living expenses rather than to pay for a wedding.

The next contact with our office was a few days later when the boyfriend came in alone. The situation was explained to him and he became very upset stating that his girlfriend could not go home to her mother's and that they needed help. He then indicated that she had been physically abused by her mother in the past. The Investigator indicated this was new information and should be shared with the agency. He was adamant that his girlfriend would not discuss it, and they did not want to cause problems or have an investigation. They simply wanted financial assistance. However, with the boyfriend's knowledge, the Investigator recontacted the agency and again discussed the situation with the Supervisor, sharing the new information.

The Supervisor advised that they would need to speak directly to the teenaged complainant to look at the options, but again they would not be able to support her financially in a common-law relationship. They could not proceed on third party information from the boyfriend.

The Investigator again explained to the boyfriend that his girlfriend would have to meet with the agency and discuss her problems in order for the agency to assess what assistance they could provide. It was also discussed with him that given he was an adult and she was a minor the agency would not likely be in a position to simply provide financial support and that they must be prepared to look at other options with the agency. He indicated that he would discuss it with his girlfriend.

Approximately two weeks later the boyfriend attended at our office again. He was very angry and again demanding that someone provide them with financial assistance. They refused to go down and meet with the agency; his girlfriend's mom wanted her home; they refused to speak to the girl's father about assisting financially and were not prepared to consider any alternatives but remaining in their common-law relationship. The Investigator discussed with him that we were not in a position to conclude that no one was prepared to help them, especially since they were refusing to meet with the agency to review the situation.Had the teenager in this case not been less than one month away from her eighteenth birthday and if her parents had been refusing to take any responsibility for her at all, we may have discussed with the agency whether a thorough assessment as to the suitability of her living arrangement was warranted. However, in consideration of all the facts particularly the fact that her parents were aware of her situation, and the clear indication from the youth that she was not prepared to consider any other alternatives we did not feel the position of the agency was unreasonable.

89-140-69 Manitoba Family Services

Teenager requesting assistance from Child and Family Services agency.

A telephone call was received from a 17 year old youth who advised he would turn 18 years of age in three months. He stated that he was no longer living at home and had gone to a Child and Family Services agency for assistance. He reported that he was told the agency would not provide him any service because of his age. He also informed our Investigator (Child and Adolescent Services) that he was told that 16 and 17 year olds were not eligible for service unless there was a protection issue.

Our complainant had been living with friends over the age of 18 but they could not afford to support him financially and he stated he had three days to find other accommodations or he would be "out on the streets". He advised our Investigator that he was currently unemployed and had been denied social assistance because he was not 18. He reported that for the past three days he had been going back and forth between Child and Family Services and social assistance. He had eventually contacted our office at the suggestion of his Probation Officer.

Our youthful complainant indicated that he wanted to go back to school and would apply for student social allowances when he turned 18 but that he was "in danger of going back to crime" to support himself if he didn't receive some help. Our Investigator explored with him the reason why he was not living at home. He stated that he had dropped out of school approximately a year and half previously, had been involved in a delinquency and he had been placed on probation. He stated that he had been in a great deal of conflict with his parents, he had attempted to go back home, and it had ended up in a fight with his parents. He stated that if he returned home it would "end up in somebody getting hurt". He also advised that his mother was close to a nervous breakdown and blamed him for her problems. He didn't feel that his parents had forgiven him because he got in trouble. He stated that he did not leave home, that he was kicked out of the home and his mother has made it quite clear that he will not be allowed to return. He reported that all he wanted was to receive some financial help until he was able to get a job or until he turned 18 years of age.

Given that the youth had been attempting on his own to obtain assistance and reported he had been running back and forth between Child and Family Services and financial assistance offices, our Investigator advised that she would make some inquiries on his behalf.

The Child and Family Services agency was contacted and the situation was discussed with management at the agency.

We were advised that approximately six weeks earlier the youth had approached the agency and made inquiries about their Independent Living Program. It had apparently been explained to him that they could not take him

unless there were some protection issues. The worker had also contacted the parents and the parents had reported that their son could come home but needed to follow some basic rules. When the youth reapproached the agency this time the worker had asked what had occurred since the last time he had been in. The youth reportedly advised the agency worker that he had been working but didn't like the hours and had quit.

We discussed with the agency our concern about services not being offered to older teenagers primarily on the basis of age without a thorough social assessment being completed. We can appreciate the Child and Family Services agency's perspective that they are not a "financial agency" and unless there are "protection issues" which require child welfare intervention they are unable to be of assistance. We have also heard from the Income Security staff that they view many of these youth as requiring social assessments or counselling services which their staff are not necessarily trained to provide. Certainly there would also be some legal ramifications which may need to be considered before youth can simply be provided social assistance in their own right, when an agency is not the legal guardian.

We do not purport to have any simple answer or solution to this problem. Nevertheless, The Child and Family Services Act defines a child in need of protection as one who is without adequate care, supervision or control, or as one who is in the care, custody, control or charge of a person who is unable or unwilling to provide adequate care, supervision or control of the child. We feel that Child and Family Services agencies have a responsibility for older teenagers (who are not considered to be adults until they turn 18 years of age) if they refuse to return home or if their parents refuse to provide for them and they have nowhere to live.

With respect to this particular case when the Investigator discussed the youth's perception that his parents were refusing to have him back home the agency indicated that this was new information and they would be prepared to reassess the situation.

The Investigator contacted the youth, informed him that the agency was prepared to take another look at this situation and this would in all probability necessitate them contacting his parents. The youth indicated that was fine with him and he was given the name of the contact at the agency. The Investigator later contacted the youth, who confirmed he had been in touch with the agency and that the case was being reviewed. He was informed that if he felt the situation had not been resolved he could contact our office again. He indicated he would do so.

Again this is an example where a resolution was found once our office made inquiries. However, I am concerned about the number of youths who may get turned off if the initial response from the agency is to focus on their age or the fact that they should get a job and support themselves. I have some concern for those youth who may not know that there are avenues they can pursue if they are unhappy with the decisions of agencies, which so crucially affect their lives.

89-270-17 Manitoba Health

Concerned about the care being received by teenage daughter in psychiatric facility.

A single parent wrote to my office advising that she had legal custody of her two children. Her eldest daughter had been admitted to a hospital under psychiatric care. She reported that although she had full legal custody of her daughter, due to the fact that she lived in rural Manitoba and her former husband resided in Winnipeg where the daughter was hospitalized, it was agreed that the former husband would be allowed to make "minor decisions" regarding their daughter's care. The agreement was that she be kept informed by both her former husband and the doctors involved with respect to her daughter's treatment. However, she reported this agreement was not being kept.

Our complainant advised that her daughter had been taken to the emergency ward for an overdose while in the hospital. She stated she was not informed of this event nor were the doctors at the hospital answering her telephone calls or questions. She was very concerned over this incident because she did not feel she was being kept apprised of what was happening with her daughter. We presented her concerns to the psychiatric department involved and a response was received from the attending psychiatrist.

It was confirmed that an agreement had been reached between the parents that the father would act as the custodial parent. The psychia-

trist advised that the mother's involvement has not been discouraged and that without exception, calls placed to the psychiatrist's office had been returned. In addition, he reported that meetings had been arranged at the mother's convenience.

The incident with respect to the overdose was reported to be minor and at no time were the drug levels found to be in the dangerous or toxic range. The incident had occurred on a long weekend, the doctor was not available and the mother was advised of the situation when she visited her daughter on the Monday of the long weekend. We were also advised that the usual process would be to notify the parent or guardian in such situations, which in this case would have been the father given the agreement for him to act as the custodial parent.

The psychiatrist also reported that despite strict supervision, hospital patients cannot absolutely be prevented from engaging in self injurious behavior and that medications can sometimes be carefully concealed thereby avoiding detection. The specific incident was discussed with the psychiatrist and there was nothing to indicate that a further review of their policies regarding screening for contraband was required.

In the correspondence from the hospital we were advised that one week after we had received the complaint the attending psychiatrist met with the mother and reviewed the incident. He assured the mother that she had complete access to himself and other members of the treatment team. Her request to be informed, if there was another incident, had also been noted by the hospital and we were assured that every effort would be made to comply.

As a result of the information received during our review of this matter we advised our complainant that in light of the hospital's action and stated intention to be accessible to her and keep her informed, there did not appear to be any further action required by our office. We suggested, however, that if she had further questions or concerns she should feel free to contact us. No further concerns were expressed by the mother and our file was closed.

Other Cases

87-100-8 **Manitoba Agriculture**

Alleges Crown Lands Branch not abiding by agreement.

In the course of investigating matters brought to our attention, quite often we are faced with situations whereby information is provided from one source which may be directly in contradiction with the information provided by other sources. This very often poses a problem insofar as the veracity of the information provided is difficult to be determined.

In the case under review, my office was contacted by an individual who expressed concerns relative to the allocation of a parcel of Agricultural Crown Land which he and his brother had been utilizing for some time.

On the basis of the information provided by the complainant we understand that his cousin had obtained a 30 year lease with Agricultural Crown Lands for a parcel of land. The cousin had been able to obtain the lease from the Department by indicating that he had two hundred head of cattle and that the land would be used for pasturing and feeding the cattle. However the cousin did not have any cattle or livestock in 1984 and therefore he was unable to fully utilize the land. As a result our complainant and his brother decided to get involved with the cousin to obtain a sublease arrangement.

An agreement to sublet land consisting of approximately two sections was entered into. The agreement was allegedly established in a regional office of Agricultural Crown Lands in the presence of a representative from the Department. Our complainant indicated that the terms of the agreement were that both he and his brother would lease the land from their cousin for a period of five years during which time the cousin would be able to increase his own livestock capacity to the level of the Agricultural Crown Lands requirements.

Our complainant advised that the agreement reportedly made in the presence of an Agricultural Crown Lands representative, was a gentleman's agreement (hand shake agreement) with no written conditions. He advised that it was his belief that the cousin would not renege on his promise especially since the representative from the Crown Lands Department was present during the making of this alleged agreement.

Our complainant advised that in 1985 everything went well and that the cousin did not have any cattle so as a result both he and his brother had paid their cousin the sum of $6,000.00 for leasing the entire parcel of land. This arrangement continued for a second year during which time the cousin was still not able to acquire any cattle. However, our complainant advised in the third year of their alleged five year sublet agreement the Department of Agriculture decided to reallocate the land. Our complainant was aware that the land in question was being tendered for reallocation and submitted bids for consideration. He was however successful in obtaining only a part of the parcel of land with the remaining portion going to other farmers.

Our complainant appealed the decision to the Agricultural Crown Lands Advisory Committee. The appeal was heard and the Committee decided that our complainant already had a very large holding consisting of land owned as well as rented. As a result the Committee felt that our complainant did not show the degree of need for additional land as shown by the other applicants. It was the view of our complainant that the Department should not have made the land available for permanent allocation in view of the alleged gentleman's agreement establish in the presence of a Crown Lands representative. It was further felt that the Department should have honoured the sublet agreement for an additional two years.

In making inquiries on this matter we questioned the Crown Lands representative about his involvement. He advised that on the basis of his recommendation, his supervisor authorized the leaseholder (cousin) to sublet his lease. He advised that the authorization did not stipulate to whom the sublet could be made available, nor did it guarantee that the sublet would last for five years. He advised that authorization to sublet was given for three years at which time the leaseholder was required to meet certain conditions.

We were further advised that by letter dated June 19, 1984 the present leaseholder was authorized to proceed with subletting the grazing rights of his forage lease. The conditions of the sublet were as follows:

> *"1. That you will not charge those to whom you sublet more than $30.00/cow-calf unit.*

2. *That you will supply receipts of all rentals and cattle purchases to our Department on an annual basis;*

3. *That all cattle purchased by yourself will be branded with a registered brand;*

4. *That during the period of 1984 to 1987 you will increase your own livestock from 0 in 1984 by approximately 50 head per year to reach approximately 150 head by December 31st, 1987;*

5. *That you will maintain in good condition all fields presently within the Development Program."*

The Crown Lands representative advised that following receipt of the letter a meeting was arranged with our complainant, his brother and their cousin and that the major points of discussion regarding the sublet were with respect to the conditions for authorization of the sublease. We were advised that during this meeting a request for permission to sublet was signed by those directly involved acknowledging the conditions of the sublet arrangement. The Crown Lands representative advised that it was understood that the sublet must first be authorized by the Department and that it would be conditional.

Further to these discussions, the Crown Lands representative advised he never made any commitment that would have led anyone to think there was any more than a year by year use of the land. He further advised that he did not know of any formal agreement between the parties and the present leaseholder and if there was he never saw it nor knew anything about it.

The Department noted that the letter to the leaseholder only granted authority to sublet and made no reference to with whom subletting could occur. This agreement according to the Department outlined the conditions of the sublet as established between Agricultural Crown Lands and the present leaseholder. The Department further stated that any subsequent agreement between the leaseholder and his cousins would have to have developed among themselves and the Department could not accept responsibility for the content.

The Department emphasized the stipulation, outlined in condition #4 of the above noted conditions, that livestock numbers had to increase by 50 head per year. Also, according to the Department, the present leaseholder was warned that failure to meet the conditions outlined in this letter would result in a recommendation for the cancellation of the forage lease. It was also suggested that if the present leaseholder entered into a five year agreement with our complainant and his brother, this was somewhat irresponsible as he had been adequately informed of the annual performance requirements and should have known the consequences if he could not meet the stated conditions of the sublet.

In discussing the matter with our complainant we stated it would appear that on the one hand he believed an agreement to sublet Crown Lands for five years was established between his brother and himself and their cousin, and this agreement was basically approved by the Department through consultation with the Agricultural Crown Lands representative. On the other hand the Department believed that they did not approve any agreement or have any knowledge of a formal agreement between the complainant and the present leaseholder. It is the Department's contention that their agreement was essentially an authorization to permit the present leaseholder to sublet the forage lease with stipulated conditions.

Our complainant acknowledged that the alleged agreement was essentially "a word of mouth agreement" without written documentation outlining any terms or conditions. He further acknowledged that this poses a very difficult situation in view of the fact that it lacks proper evidence in support of the alleged agreement.

On the basis of the information available to our office we advised the complainant that we were unable to support his position on this matter and essentially our office was without grounds to make any recommendation on his behalf.

At the time of writing to our complainant to advise him of our findings we were advised that he was considering pursuing the matter further, possibly by taking legal action against the appropriate parties.

88-110-122 **Manitoba Attorney General**

Complainant alleges that error or omission by Land Titles Office cost him a penalty for late payment of taxes.

Our office received a complaint from an individual whose City of Winnipeg property tax bill had been sent erroneously to the previous owner. Our complainant advised that as a result, he was late in submitting his tax payment and he was subsequently assessed a penalty of some $44.00 for the late payment of taxes. The complainant felt the Land Titles office was responsible for his situation because allegedly that office did not advise the City of Winnipeg Assessment Department of the transfer of ownership when he bought his house from the previous owner.

In response to his concerns, our office made inquiries with the Land Titles Office and a report was received. We also communicated with personnel in the Assessment and Finance Departments of the City of Winnipeg.

In this particular case, the Assessment Department advised that this new title, with changes, was registered in the Land Titles office on September 2, 1987, however, it was not received by the City until October 14, 1988 and it was not entered in the Assessment Department's files until November 25, 1988. According to the Assessment Department this was too late for the change in ownership to be reflected in the 1988 billing of taxes.

The Land Titles Office advised that the title change information would have been sent to the City of Winnipeg Assessment Department shortly after the transfer of title was made and before the tax billing in question was prepared. It was noted that, as was allowed in the provincial legislation, this notification was not in the form of a new title but, rather, in the form of a photocopy of the previous title stamped with information showing the change of ownership. It was suggested by the Land Titles Office that this practice had caused some confusion at the City of Winnipeg in the past and may have been the difficulty in this particular case. It was also noted that this practice is no longer being used at the Land Titles Office because of conversion to electronic titles. It was explained that now every electronic registration creates a new title and a copy of all new titles are being made for assessment purposes.

In reviewing the matter it appeared that the problem may have resulted from an oversight in that the method of showing title changes reportedly had caused some confusion in the past. The City was not prepared to acknowledge that an oversight had occurred and the Province felt that it had followed the appropriate procedure in notifying the City of the title change. Our complainant seemed to be caught in the middle while both authorities denied responsibility for this problem.

Although the Ombudsman is without jurisdiction over the City of Winnipeg, informal inquiries for clarification were made with the City Departments of Assessment and Finance. While the City of Winnipeg did not accept the position of the Land Titles Office, it agreed to review the communication of ownership information between the Land Titles Office and the City of Winnipeg. Subsequently, the City of Winnipeg contacted our office and advised that there appeared to be justification for removing the penalty against the complainant for the late payment of taxes. We later were advised that the late payment penalty was deleted from the tax bill.

We appreciate the cooperation received from the City in reviewing and resolving this matter following contact by our office.

88-140-79 **Manitoba Attorney General**

Inmate seeking transfer to Mental Health Centre.

Our office was contacted by a complainant who was being detained in a correctional facility and who was seeking transfer to the Selkirk Mental Health Centre. The complainant, who had been charged with a criminal offence, had been found unfit to stand trial by reason of insanity. By Order of the Lieutenant Governor the complainant was to be detained at the correctional facility until such time as space became available at the Selkirk Mental Health Centre.

In response to the complainant's concern, inquiries were made with the Correctional Institution, the Board of Review, the Chief Executive Officer and Director of the Selkirk Mental Health Centre and the Director of Psychiatric Services for the Province.

We understand that during this period there was a shortage of staff at the Selkirk Mental Health

Centre and there were no forensic psychiatrists or forensic nurses working there. We further understand that there was simply a general practitioner assigned to a secure ward. We were advised that space was not available for the complainant at the Selkirk Mental Health Centre in that there was not sufficient resources for looking after the complainant. It was noted that arrangements had been made under the circumstances for the complainant to be seen by a psychiatrist on a weekly basis at the correctional facility. It was stated that the complainant was doing well and that there were programs available at the correctional facility that were not available at the Mental Health Centre.

While based on the circumstances and evidence reviewed, I was unable to conclude that I had grounds to make any recommendation in this matter, this case raised an issue of considerable concern to me. This case, together with comments to our office by mental health professionals and many recent articles in the local press all suggest that there are inadequate mental health services available for patients requiring a secure setting.

I understand that there are several individuals in Manitoba who have been identified as requiring long term psychiatric care in a safe, closed setting who, because of a lack of adequate psychiatric facilities, are being detained in correctional facilities. These persons have not been found guilty of committing a crime. They are patients who require appropriate treatment in an appropriate setting.

We understand that recently the Selkirk Mental Health Centre brought on staff a new full time psychiatrist. We also understand that a new 112 - bed, $40 million dollar psychiatric facility has been approved for construction at the Health Sciences Centre in Winnipeg. We were advised that this will include the first specially constructed forensic unit in Manitoba, containing a 20-bed unit for persons charged with criminal offences which may relate to mental illness.

While it appears that action is being undertaken to address forensic psychiatric care I feel it is imperative that adequate mental health staffing and facilities are made available as soon as possible to prevent the potential that individuals may be aggrieved by lack of appropriate facilities and services.

Due to the major role played by our office with respect to grievances or potential grievances in the mental health care system and the correctional system, I will continue to monitor this issue.

88-110-134 Manitoba Attorney General

Concern over increased use of administrative segregation and lack of use of Disciplinary Board Hearings at Provincial Remand Centre.

In September 1988, my Investigator had a conversation with the Superintendent of the Provincial Remand Centre with regard to concerns expressed by an inmate who had been placed in punitive segregation. During the course of that investigation, we were advised that the inmate was not in punitive segregation but was in administrative segregation. We were advised that punitive segregation was only given where a guilty finding was made at a Disciplinary Board Hearing and Disciplinary Board Hearings had not been held at the Remand Centre. The Superintendent advised that Disciplinary Board Hearings had fallen into disuse and this was an issue that needed to be addressed in future planning. The Superintendent was not sure at the time of the conversation when the subject of Disciplinary Board Hearings would be addressed.

After receiving this information, my Investigator reviewed Adult Corrections policy. It was found that there was policy which stated that "a Superintendent shall establish a committee." As well, the policy provided options for dealing with minor or major infractions. As the Provincial Remand Centre did not have a Disciplinary Board Committee, the options provided for dealing with minor and major infractions would be limited and I felt it could be that the use of administrative segregation had come to replace the Disciplinary Board Committee for the handling of breaches of inmate rules.

Our office wrote to the Associate Director of Adult Correctional Services and we were advised that staff at the Provincial Remand Centre could not recall a Disciplinary Board Committee being established there. We were also advised that policy was under review and it was expected that the disciplinary procedures would soon be changed and come into line with

those at other Provincial Institutions. We were further advised that the proposed policy would provide flexibility to deal with the unusually high turnover at the Provincial Remand Centre by providing different levels of response, depending on the nature of the infraction.

During 1989 further inquiries where made with regard to the status of the Disciplinary Board Committee at the Provincial Remand Centre. We were advised that the Department had also found that Portage Correctional Institution was not holding Disciplinary Board Hearings. As well, we were advised the Department would be addressing the same issue at the newly opened Milner Ridge facility.

In June 1989, our office was informed that approximately two months previously the new disciplinary process had been implemented at the Provincial Remand Centre and while there were some start-up problems, staff were continuing to work on the process and it was anticipated that the process would be completely in place by the fall of 1989. We were also assured that Disciplinary Board Hearing procedures were now in place at all correctional institutions in the Province.

I was pleased that the Department had dealt with the concern raised by my office, and that the policy had been reviewed and procedures put in place to deal with the handling of breaches of inmate rules.

89-110-89 Manitoba Attorney General

Alleges error made by Court Clerk in recording Judge's decision.

In May 1989, I received a letter from a man alleging an error had been made by a Court Clerk in recording a Judge's decision. He advised he was convicted, by a Provincial Court Judge, of driving while disqualified and that the judgement was a $100.00 fine plus costs or a 100 day suspension of his driving privileges. Our complainant advised he decided to take the 100 day suspension of driving privileges.

In April 1989, our complainant was stopped by the police and was arrested on a warrant that had been issued for failing to pay the $100.00 fine. Our complainant reported that his explanation fell on deaf ears and on the advice of his lawyer, he paid the $100.00 fine and was released. I was advised he would like to recover the amount of the fine and to establish that a mistake had been made.

My Investigator wrote to the Department and requested information with regard to the allegations. A response was received and our office was advised that the Judge's docket and the file had both been checked and both indicated the disposition was a fine of $100.00 and costs or 100 days. Neither disposition indicated a suspension of driving privileges in default and as a result further inquiries were made with the Court Reporter. The Court Reporter advised the Judge did say suspension of driving privileges in default of payment however, neither the Judge nor the Court Clerk recorded this on the document. This was an oversight by the Court Clerk at the time of disposition, and as a result of this error, when payment was not received, a warrant was issued for the arrest of the complainant and forwarded to the police. My office was advised this should not have occurred, but instead a notice should have been sent to the Department of Highways and Transportation, Driver and Vehicle Licencing Division, requesting the driving privileges of our complainant be suspended for 100 days for non payment of fine.

With regard to our complainant's request that he be compensated for the fine which he paid to secure his release from custody when arrested on the warrant, the Provincial Court Director suggested our complainant contact him and necessary steps would be taken to ensure that he was refunded the amount paid. Also, the Director advised that he would like to apologize for any inconvenience that the incident may have caused the complainant.

Further inquiries were made and our office was advised that with regard to a possible recurrence, all parties had been spoken to concerning the error. In response to the question as to whether our complainant could be expected to be suspended from driving now that the $100.00 was going to be refunded the Department advised that our complainant would not be suspended from driving. Our complainant was advised of the results of our investigation and our file was closed as being resolved.

In this case, an error had been made which resulted in our complainant being arrested and detained. By this matter being brought to my attention and with the assistance and cooperation of the Department our complainant's concerns were addressed and resolved appropriately.

89-110-102 Manitoba Attorney General

Seeking reimbursement of $66.00 which complainant says he paid for the return of personal property illegally seized by RCMP Constable.

In May 1989 a resident of Alberta wrote and advised he had a complaint arising out of traffic tickets he received from the Royal Canadian Mounted Police (RCMP) on August 11, 1988 in Manitoba for driving a vehicle equipped with a radar detection device and for exceeding the speed limit. While our complainant was seated in the RCMP patrol car, a radar detector was seized from a female passenger's purse.

Our complainant advised that he understood radar detection devices were legal in his home province of Alberta, and also in Saskatchewan and one of the Atlantic provinces but were not legal in Manitoba. Our complainant made inquiries with the RCMP with regard to the return of the device after the incident and was informed on two occasions he would have to pay $66.00 for its return. Our complainant paid the $66.00 under protest. After doing so, he complained to the RCMP Officer in Charge of Administration and Personnel about the incident. Our complainant forwarded a letter of response to my office from the RCMP Officer in Charge of Administration and Personnel that stated that the Constable "erred in carrying out any type of search of your vehicle at this time without your consent" and further advised "There is no provision for such a search under The Highway Traffic Act." The Officer in charge also related that he has requested that the RCMP Commanding Officer "take appropriate corrective measures to ensure this type of incident does not recur." The RCMP Officer in Charge also advised in his letter that the Director of Criminal Prosecutions for the Province of Manitoba had advised that the only avenue available to obtain a refund of the $66.00 paid was through an appeal of the conviction.

Our complainant advised that he felt that this matter is not a matter of appealing a fine pursuant to a finding of guilt but of obtaining a refund for monies paid as a result of his radar detector being improperly seized. Also he felt he had received improper advice from the RCMP as to how he could get back his property.

As a result in June 1989 my Investigator made inquiries with the Director of Criminal Prosecutions and requested information with regard to the matter and questioned whether the Department was firm in its position that an appeal of the conviction was the only recourse available or whether there was room for discretion in light of the entire matter.

The Assistant Deputy Minister responded and advised that in view of the position taken by the RCMP and so as to avoid further inconvenience to our complainant, the Department would seek certiorari, have the conviction quashed, and the $66.00 would then be refunded to our complainant. The Assistant Deputy Minister did go on to state that the advice given with regard to the appeal was not erroneous and would have been the preferred course. As a result of the information received from the Assistant Deputy Minister, in July 1989 our Alberta complainant was advised that it appeared that the matter would be resolved and thus our file would be closed.

In September 1989, our complainant contacted the office and advised that he had not yet received the refund. As a result the Assistant Deputy Minister was again contacted. Early in January 1990, he responded that the refund should be in our complainant's hands by the end of January 1990. In March 1990, again our office was contacted by our complainant and he advised January had come and gone and he had still not received his refund. The Department was again contacted and under date of March 9, 1990 the Rural Court office received written instructions to issue the cheque immediately. On March 15, 1990 my Investigator confirmed with our complainant that he had finally received his $66.00 refund and his radar detector.

I was pleased on the one hand that the Department used discretion in this case and took steps to fairly deal with the complainants concerns. However, on the other hand I am concerned over the length of time it took for our complainant to obtain the refund. In speaking recently with our complainant, he advised that he was satisfied that the matter had been finally concluded and thanked our office for the assistance provided to have an injustice corrected.

89-210-14 **Manitoba**
Employment Services and Economic Security

Processing of CRISP application.

An individual complained to our office about the processing of her application to the Child Related Income Support Program (CRISP). She advised she had contacted the CRISP office in May 1989 to request an application for benefits. She said she completed and returned the application immediately and was advised, in July, that the application was being processed. Our complainant advised that, in August, she was informed she was eligible for the Program and that she would receive her first CRISP cheque that month retroactive to July 1989.

The complainant expressed concern to our office that when she phoned the CRISP office in May she was told her application would be retroactive to the date of application. However, she advised this was not the position of the CRISP office when, in August, she attempted to clarify the apparent discrepancy. She said she was told by the office that each benefit year runs from July 1 to June 30 and that she had completed a 1988 form (relating to her 1988 tax year) which became effective July 1, 1989. She said she was told she had not completed a 1987 form (relating to her 1987 tax year) which would have been in effect during May and June 1989. The complainant asked our office why, when she requested assistance from the CRISP office in May 1989, she was not asked for which benefit year or years she wanted assistance.

To review this complaint we contacted the CRISP office. We were advised that it is normally a very strict procedure, near the end of any benefit year, to have staff inform all new applicants of their right to apply for the current benefit year as well as the upcoming benefit year. It was also noted that applicants are eligible to receive benefits from CRISP effective the month in which they first apply.

It could not be established with certainty what had been said when the complainant first phoned the CRISP office. However, after contact with our office, the CRISP office offered to accept the complainant's application for CRISP benefits for May and June 1989 even though the relevant benefit year was officially closed. We understand that the CRISP office followed up by sending the complainant an application form for that benefit year and the complainant completed this and returned it for processing.

In the course of reviewing this matter, we referred to the brochure published entitled "Child Related Income Support Program", which describes program eligibility and benefits. We noted that in the brochures effective July 1988 - June 1989 and July 1989 - June 1990, the following was stated under the heading "When Do Payments Begin?":

> *"You may submit a completed application to the Income Supplement Programs office at any time during the year. It will be assessed to determine your eligibility for the current benefit year. Benefits may be effective from the month in which your application is received. Benefits are mailed at the end of each month."*

We felt that, given the wording of this passage, applicants would assume that CRISP staff would be considering their needs effective immediately for the current benefit year. We suggested that if, near the end of the Program year, there was a question about which benefit years a person might be eligible for, this should be made clear in the written information available to applicants.

The CRISP office agreed that the wording, which also apparently appeared in the guideline sheet sent out with the application, may not be clear. We were advised that the Department would be considering new wording on this issue when republishing information for the next benefit year.

88-260-2 **Manitoba**
Government Services

Complainant being asked to repay employer an overpayment which was caused by the denial of his Workers Compensation claim being retroactively enforced.

A government employee wrote to my office in September 1988 advising he had fallen at work in December 1980 and in March 1983 and as a result of the accidents he had sustained injuries. Although he did not lose time from work immediately after the March 1983 accident, four months later he experienced symptoms which he felt related back to the March 1983 injury and

he was as a result required to take time off from work beginning in July 1983. Our complainant received compensation allowance from the Department of Government Services from July 1983 until September 1984 in the form of a regular paycheque.

Investigation of this matter showed that prior to September 1984, Government Services procedure required that injured employees be kept on payroll while the claim for Workers Compensation was being adjudicated. As a result, our complainant received compensation allowance from Government Services until the claim decision was made by the Workers Compensation Board in September 1984. The decision of the Workers Compensation Board was a surprise to the complainant, and to the Department as the Board's decision was that the claim would not be accepted as medical evidence did not confirm that the symptoms were related to either compensable accidents.

As a result of our complainant's Workers Compensation claim being denied retroactively to July 1983 there was an overpayment of 289 days salary or $23,216.28. After vacation pay and sick leave credits were applied to the overpayment, the net overpayment for the period was $20,711.40.

As a direct result of our complainant's situation, new procedures were introduced by Government Services in October 1984 and now employees with Workers Compensation claims only receive salary from Government Services for as long as they have sick leave entitlement. If the decision of the Workers Compensation Board is not rendered by the time sick leave credits expire the employee is placed on sick leave/no pay status and would be issued an Unemployment Insurance Commission record of employment. An employee could then apply for Unemployment Insurance sick benefits and any other benefits to which there may be entitlement.

It seems that the issue of the overpayment may not have been brought to our complainant's attention for a number of years. In any event, there was an internal department memo dated April 1987 which stated "there is no evidence of our Department contacting Mr.____ as to the repayment of these monies. I am concerned of the consequences to the Department if we approach Mr.____ at this late date."

An executive decision was made in May 1987 that efforts must be made to recoup the 1983/1984 overpayment. In May 1988, after an unsuccessful attempt was made by Department officials to visit our complainant and numerous unsuccessful attempts were made to contact him by telephone, a registered letter was sent to our complainant which advised that repayment of the funds was required by the Province of Manitoba and the Department of Government Services would be quite willing to establish appropriate repayment terms. It was four months after this registered letter that my office became involved.

On October 7, 1988 my Investigator wrote to the Department requesting information with regard to the concerns expressed by our complainant. A response dated October 18, 1988 to our initial inquiries supplied background information and advised that the Department had recently received a request on behalf of our complainant that the Department pursue a write-off. Our office was advised that a determination with regard to the write-off would be made.

A file review was subsequently conducted and it appeared there was a notification delay with regard to the overpayment of 1983/1984. After receiving the May 1988 registered mail, our complainant did contact the Department by telephone. He advised that he was on social assistance and could not pay the outstanding monies. As well, a Manitoba Government Employees Association (MGEA) representative wrote to the Department on October 18, 1988 and advised that after a review of our complainant's financial situation, that on our complainant's behalf a request was being made by the MGEA that he be released from the debt owing. The Department was further advised that our complainant had very limited financial resources and was still supporting a dependant family.

In January, February, and April 1989 my Investigator had conversations with Department staff with regard to their pursuing the write-off. In May 1989 it was determined that the Department had on file for some time all the necessary information to request the 289 days salary be forgiven. This was then accomplished by the Department through a request to Treasury Board, and the overpayment was forgiven. As a result, the complainant was contacted and advised.

Taking into consideration that: the overpayment resulted because of policy which was found lacking and subsequently changed as a result of this case; the Department by continuing to pay our complainant for 289 days and not issuing the Unemployment Insurance Commission record of employment precluded our complainant from obtaining Unemployment Insurance benefits or any other benefits to which he may have been entitled and which would not have been repayable in the event his Workers Compensation Board claim was not accepted; and the fact that the request for repayment came so long after the overpayment led me to feel that our complainant had not been treated fairly by the Department. Nevertheless, the Department did pursue the write-off and the matter was resolved by the Department.

I feel in this case I would have been prepared to formally make a recommendation on our complainant's behalf. I was pleased that the Department finally resolved the matter without the recommendation having to be made.

88-300-24 Manitoba Hydro

Alleges unfair denial of hydro service.

In November 1988 I received a complaint from an individual who claimed he was unfairly being denied hydro service. He advised that approximately three years prior he contacted the Manitoba Hydro office in Gimli, Manitoba and made inquiries with respect to obtaining service. He said that after completing the necessary requirements for service he was essentially denied service and at the time of writing to our office he was still without service.

Following receipt of the complaint my office wrote to the Division Manager of Manitoba Hydro, Eastern Region and made inquiries. In responding, the Division Manager informed us that on December 6, 1988 the complainant received a meter and was connected to the Manitoba Hydro electrical system. Normally this would appear to have resolved the situation with respect to not having received service. However our complainant was not satisfied, as he felt he should receive compensation from Manitoba Hydro for "three years of hardship endured". To clarify this aspect of the complaint we examined, as best we could, the history of this individual's application for hydro service.

We were advised by Manitoba Hydro that to respond to our inquiry the former Operating Supervisor (who was retired at the time of our inquiry) had been contacted and vaguely recalled being contacted by our complainant prior to 1986. Reportedly the Assistant District Operator at Gimli recalled completing an inspection of our complainant's property in May 1986 and since that time they had no record of anyone hearing further from the complainant until the summer of 1988.

We understand that when the complainant first contacted Manitoba Hydro, the Service Extension Policy provided a construction allowance of 1 mile of line. This policy has since been revised by Manitoba Hydro to provide an allowance equivalent to constructing 3/4 of a mile of line.

We were informed that in the summer of 1988 the Chief Operating Supervisor at Gimli and another staff member calculated the extension required to provide service to our complainant's residence. By using a measuring wheel, they found the extension to exceed Manitoba Hydro's allowance limit by one span, thus resulting in a cost to the complainant in the amount of $560.00.

The Department carried out another wiring inspection of the premises around September 1988. At about the same time the Business Representative for the Interlake area was asked to confirm Manitoba Hydro's policy with respect to providing service. In a letter to the complainant, the Business Representative confirmed that in order to qualify as a principal residence, the following conditions must be established:

1. The residence must be equipped with a permanent type foundation or,
2. Connected to a sewer and water system approved by the local governing authority or,
3. Show that the Provincial Property Tax Credit is applied to the property.

At that time it was determined that the complainant's residence was not considered a permanent principal residence as no sewer system had been installed and the foundation did not appear to be permanent. As a result, the

Department advised that should the complainant require service prior to the sewer and water being connected a capital contribution of $9,239.00 would have to be paid to Manitoba Hydro. This sum represents the cost which Manitoba Hydro would incur to erect poles and run lines in providing power to the complainant's residence from the last point of service. This unit cost would vary depending on the distance of the customer from the last point of service. In the event that the residence is permanent, the cost is waived as the Corporation believes that there is a greater likelihood of recovering their investment cost from the revenue obtained from a permanent residence over non-permanent residence.

Shortly thereafter, our complainant contacted Manitoba Hydro and raised concerns relative to this quotation. As a result of this inquiry, the representative from the Corporation met with the complainant at the location so that the matter could be reviewed fully. Following this meeting we understand it was agreed that the foundation of the complainant's residence would be considered a permanent foundation. Also it was established that a well was installed and that there had been a septic tank on site prior to it being stolen. The Corporation therefore agreed that there was sufficient evidence to suggest that the complainant was intending to use the residence as his permanent residence.

Having reviewed what took place prior to our complainant being granted hydro service we then explored with the Corporation the complainant's feeling that he should be compensated for "three years of hardship endured" because of, in his view, being unfairly denied hydro power for that period of time. The Corporation informed us that they had no knowledge of our complainant ever making any representation for compensation for endured hardship. We therefore suggested to our complainant that if it is his belief that he did in fact endure hardship, he should make direct representation to Manitoba Hydro for whatever form of compensation he may be seeking.

The complainant also raised concerns alleging that the Inspectors for the Corporation had run the hydro poles in a manner that created an additional cost to him. As we inquired into this matter we were informed that Manitoba Hydro utilizes the most direct route in providing service to the customer. In this case we were informed that service was provided in the most appropriate and economical route to the complainant's residence. We were advised that the cost of $560.00 resulted from the fact that the extension to the complainant's property exceeded the allowable limits of Manitoba Hydro.

Having thoroughly reviewed this case, we advised our complainant that it would appear his problem arose because there may have been some confusion in establishing whether his property qualified as a permanent residence. However, having established that his property qualified as a permanent residence and hydro service having now been provided by Manitoba Hydro, we concluded that it would appear that the main concern he brought to our attention was resolved. Although for him the question of compensation for alleged hardship remained an issue, this was not a matter that we could determine and in concluding the case we repeated our suggestion that if he wanted to pursue the issue of compensation for mental anguish he may wish to contact the Corporation directly to submit a claim for consideration. We advised that as the supplying of power to his residence by Manitoba Hydro had, in our opinion, satisfactorily resolved his immediate concern, our file would be closed.

Following our report to the complainant in which we outlined our findings, the complainant dropped into our office for a meeting to review additional information. He advised that he intended to pursue the issue of compensation with Manitoba Hydro and that he was on his way to meet his lawyer to discuss this matter. He advised that he suffered emotionally and mentally from the actions of Manitoba Hydro by being denied service for a number of years. As a result he advised that this issue is what he intends to discuss with his lawyer with an attempt to obtaining compensation from Manitoba Hydro. The complainant also alleged that information provided to our office by Manitoba Hydro is incorrect. He took issue with Manitoba Hydro's comment that no contact was made between 1986 and the summer of 1988 stating that this information is inaccurate. The complainant advised that he had been in contact constantly with the Corporation during this time. However, he could not provide any definite dates or incidents which would identify a particular time frame with respect to his dealings with Manitoba Hydro.

In March 1989 we received a telephone call from the complainant. He advised that he had met with his lawyer in an attempt to sue Manitoba Hydro for compensation due to mental anguish and was not happy with the response provided by his lawyer. Our office confirmed that we would not be making any representation to Manitoba Hydro on the question of compensation and that our file would remain closed. This concluded our involvement in this matter.

89-320-4 Manitoba Labour

Feels Pension Commission should allow spouse's waiver of rights to pension.

In January 1989, our complainant wrote to me with regard to his concerns about The Pension Benefits Act provisions which deal with pension splitting on marriage breakdown. In our complainant's case and in another case which later came to my attention, an agreement had been made between the marriage partners to waive the right to the other partner's pension. In both cases, my complainants' former spouses were federal government employees, and as a result The Manitoba Pension Benefits Act did not apply to their pensions, only to my complainants' pensions. This meant pension benefits earned during the marriage by my complainants were subject to the Act but those earned by their respective ex-spouses were not. Reportedly, my complainants' respective spouses did not want the benefits they were entitled to under The Pension Benefits Act as they felt the legislation was not fair.

On reviewing The Pension Benefits Act I felt that the legislation was clearly discriminatory and in April 1989 I wrote to the then Minister of Labour explaining the circumstances of my original complainant's case which were as follows. My complainant was a City of Winnipeg employee who after thirty four years of service was about to retire. My complainant was married in 1969, separated in 1987 and divorced in 1988. The finances were settled during the divorce proceedings reportedly to both parties' satisfaction. Both partners had been employed during the entirety of their marriage, there were no children and consequently both parties waived their rights to each other's pension.

As my complainant's ex-spouse's pension was with the Federal Government, her pension contributions were not divisible and only my complainant's pension credits were divisible on marriage breakdown. My complainant reported that the ex-spouse did not want the portion of the pension to which she was entitled under The Manitoba Pension Benefits Act as all assets had been divided agreeably in 1988. If our complainant's pension were to be divided under the provision of The Pension Benefits Act, my complainant indicated there would be only half of a pension available to him on his retirement while his ex-partner would receive her entire pension benefits plus one half of his pension.

Inquiries with regard to the issue of pension splitting had been under review by the Pension Commission since February 1985 when it first appeared on the Commission's agenda and continued to be on the agenda for consideration by the new Pension Commission established in the fall 1988. Information received showed that numerous problems had been experienced in the administration/application of the legislation. In 1987 the legal society and the previous Minister had been made aware of the Commission's concerns with regard to the legislation and after that time recommendations were made and meetings were held with the Department of the Attorney General and the Labour Minister's office with regard to the pension splitting legislation.

Our office became aware that harsh comments were made by a court referee in respect to the pension legislation in a December 1988 judgement. The Court had stated that "Section 31(2) of the Act has been the subject of great deal of criticism since it was enacted. The main criticism has been that it is inflexible and in many cases stands in the way of a sensible resolution of the property issues between the parties to marriage break-up. As amply demonstrated by the facts of this case, the section can and does lead to some very unfair results. Clearly, some major changes to the legislation appeared to be warranted to assist people who find themselves in a position similar to that of Mr. and Mrs. ____."

As a result of the information obtained during the course of our investigation I made a formal recommendation under Section 36(2) of The Ombudsman Act that the legislation be reconsidered as soon as possible. As well, I questioned whether or not there was any remedy available for my complainants. I also requested the Minister advise me of the steps he proposed to take to give affect to this recommendation.

Because a Cabinet shuffle resulted in a change of Ministers I forwarded my recommendations to the new Minister of Labour in May 1989. She responded that she wished to ensure me of her intentions to address the issue and advised that the Pension Commission Board was actively reviewing the pension splitting legislation and in order to gain clear understanding of concerns expressed by a wide variety of parties and interest groups the Commission Board had made arrangements to meet with representatives from the legal profession, women's organizations, the pension actuarial profession, and a major pension plan administrator. Recommendations had been received from these groups which were very diverse in nature and these representations, I was advised, would be incorporated into the Pension Commission's recommendations to Government which were expected in the summer of 1989.

The Minister advised with regard to our complainant's particular situation, the legislation, at that time had no provisions for waivers or exemptions. The Pension Benefits Act required equal sharing of my complainant's pension benefits. However, as pension benefits would be considered a family asset under The Martial Property Act, while my complainant's spouse would receive 100% of her pension benefit and half the value of her former spouse's pension which must be taken in the form of a pension, my complainant would receive the remaining half of his pension and would be entitled to family assets which are equal in value to one half of what was received by his spouse. Although my complainant's spouse would be able to keep her pension intact, she would still have to share half of its value in the form of some other family asset. In other words, the values of each spouse's share of the settlement should end up being equal.

In July 1989, I again wrote to the Minister and indicated that I trusted that my recommendation would continue to be considered and the matter be brought to a timely and appropriate conclusion. In November 1989, I was contacted and was advised that an amendment was on the order paper with regard to pension splitting. In early 1990 I became aware that Bill 57, The Pension Benefits Amendment Act, had been introduced in the house. I was also made aware that an all party committee had been set up to hear briefs on this matter. My complainant had advised me that he intended to present a brief to this committee when public hearings were held.

Just prior to preparing my Annual Report, the Minister advised that once Bill 57 is enacted, couples could opt out of mandatory pension credit splitting upon marriage breakdown if their pensions were approximately the same amount. This option could also take effect if the other spouse's pension was not of the same jurisdiction. The Minister thanked my office for bringing the matter of pension splitting to her attention and recommending that The Pension Benefits Act be changed. In light of the response to my recommendation and the positive action taken, the file with regard to this matter was closed. We understand that the Bill has now been passed in Legislature.

89-350-48 Manitoba Public Insurance Corporation

Actual cash value dispute following total loss of vehicle.

My office was contacted by a complainant who expressed concerns regarding his dealings with the Manitoba Public Insurance Corporation. On contacting our office the complainant appeared to be disputing the total loss settlement provided by the Corporation following a recent accident and also had some concerns with the procedure utilized by the Corporation regarding the disposing of the salvage unit. In addition, the complainant wanted the Corporation to consider paying him interest on the total loss settlement from the time of the accident to the actual date of the settlement. It was his view that the Corporation had essentially caused the settlement to be dragged on thereby resulting in unnecessary delays and accumulation of interest charges on the loan which he had obtained from the bank to purchase the vehicle.

In reviewing this matter we understand that on December 20, 1988 the complainant was operating his 1983 Kenworth tractor in Ontario when it was involved in an accident and sustained extensive damage. The damage to the vehicle was estimated at approximately $79,000.00 and as a result the truck was considered to be a total loss.

In attempting to negotiate a settlement on this claim, the Claims personnel from the Corporation obtained value quotations from various local heavy truck dealerships and as

well obtained an independent appraisal from Certified Collateral Corporation. On the basis of the information obtained by the Corporation, the vehicle was believed to be valued between $39,000.00 and $44,000.00. As a result, the Claims personnel proposed an actual cash value settlement in the amount of $42,800.00 with the Provincial Sales Tax included. This offer was apparently not acceptable to the complainant as he believed the vehicle to be worth $63,192.63.

Due to the vast difference in the value placed on the vehicle by the complainant and the value placed on it by the Corporation, an impasse was reached and arbitration was suggested as an alternative to resolving this dispute. The complainant was then provided with a copy of the regulations pertaining to the arbitration process. In responding to this approach the complainant submitted a counterproposal to the Corporation indicating that he would be willing to accept a value of $47,000.00. The Claims personnel reviewed this offer and based on the information available to him at that time, increased the Corporation's offer to $43,650.00 including Provincial Sales Tax. It was reported that the complainant indicated that he would consider this offer but subsequently advised the Corporation of his intention to proceed through arbitration and provided the Corporation with the name his arbitrator. In the meantime however, the complainant filed an Automobile Proof of Loss increasing his demand from $47,000.00 as the actual cash value to $56,710.00. This offer was rejected by the Corporation and the matter was referred to arbitration.

The matter proceeded through arbitration and on August 1, 1989 the Corporation received notice from the arbitrators that a settlement had been reached whereby an award of $46,500.00 including the Provincial Sales Tax was established as the value of the vehicle.

Following settlement of the claim through arbitration, a further concern arose regarding the disposal of the salvage. The Corporation advised that in accordance with the regulations of The Manitoba Public Insurance Corporation Act, whenever an actual cash value of a vehicle is paid to the insured and the appropriate deductible applied, salvage vests with the Corporation. Our office reviewed this procedure by referring to the Corporation's Manual on Auto Claims and noted the following conditions:

> *Unless some other area is still in question the Corporation is required to make payment within 15 days of receipt of the decision, whether by the appraisers or by the umpire.*
>
> *When an award is rendered and payment made, the salvage vests in the Corporation. While it is desirable, it is not essential to obtain a signed salvage release. For accounting and salvage department records, if a signed salvage release is not possible to obtain, the adjuster will complete a salvage release in the normal manner but, instead of a signature, indicate plainly that the matter was concluded by arbitration.*

While the claim was being processed, the damaged vehicle was stored in a holding compound in Ontario and by the time a settlement was agreed upon, bids for salvage had already been obtained from three local Ontario firms. The Claims personnel informed the complainant of the Corporation's salvage rights and at that time asked if he wished to purchase the salvage. Reportedly, the complainant indicated some interest and advised the claims personnel that he required approximately one week to decide whether he could afford the salvage. The Corporation advised that since bids had already been received and storage charges were accumulating it was felt that the disposal of the salvage should not be delayed any further. However, at the time of our involvement the Corporation advised that the final arrangements for the sale of salvage had not yet been completed and that the complainant would be contacted to determine whether he wished to purchase the salvage unit. We were subsequently informed that the complainant was no longer interested in purchasing the salvage. The salvage was eventually sold by the Corporation on the basis of bids received.

It was noted that the loss occurred on December 20, 1988 and according to information reviewed we understand that it was reported to the Corporation by telephone on December 22, 1988. The claim however was not settled until August 1, 1989 through the process of arbitration. As a result, the complainant was concerned that interest should be paid to him from the date of the accident to the actual settlement date and filed a claim to this effect. The Corporation's ini-

tial reply was that under the terms and conditions of the Regulations of The Manitoba Public Insurance Corporation Act, there is no coverage for claims of this nature. In addition, the Corporation advised that it does not appear that the Claims personnel delayed the claim unnecessarily and as such interest charges accumulated on any loans that the complainant may have had on his vehicle would not be considered. The Corporation advised that the complainant could have renegotiated the loan with the lending agency at any time and could have likely purchased another vehicle shortly after the accident.

Our office reviewed this matter further with the Corporation stating that we are aware that the Corporation had established a policy whereby it would make advance payments to the insured based on their calculated value of the vehicle on total loss claims. We stated that we realize that while negotiations may continue, the insured will then have the opportunity to reduce any inconveniences or expenses, for example, interest charges, that may result from the loss. We pointed out to the Corporation that in this case an advance payment was not forwarded. We further stated that while it is noted that no coverage exists under the Regulations for payment of interest, in view of the fact that the claim was eventually settled approximately six months after the original settlement was proposed by the Claims personnel, it would appear that the accumulation of interest charges on the sum proposed by the Corporation may have been avoided if an advance payment had been made to the complainant at the time of the original proposal. We therefore asked the Corporation if they would be willing to provide any further consideration to the claim made by the complainant for interest charges accumulated on the loan during the processing of this claim.

The Corporation responded to our further inquiry confirming that on April 26, 1989 a policy was implemented whereby claimants were provided with the funds representing the Corporation's last offer in cases where an agreement on the value of the vehicle could not be reached. The Corporation further acknowledged that in the complainant's case he was not provided with any settlement funds until they were notified of the arbitration decision on August 1, 1989. Despite this acknowledgment the Corporation reiterated the advice provided to our office earlier that there is no coverage under the insurance Regulations for claims of this type. They further stated that it is believed that they (the Corporation) acted fairly in the handling of this claim and, in their opinion, could not be found legally liable for interest over the period of time it took to resolve the claim. The Corporation however, acknowledged that the Claims personnel could have exercised the Corporate Policy by providing funds based on their last offer while awaiting the arbitration decision. In recognition of this, the Corporation advised that the Commercial Claims Office had been instructed to contact the complainant to discuss providing additional funds in consideration of this issue.

We were subsequently informed that payment of interest was provided to the complainant at an acceptable rate. After being advised of this, we contacted the complainant and informed him that since his concerns were resolved our office was closing its file on the case.

Complete List of Complaints

Agriculture – 14		
89-100-0001	Crop insurance claim dispute.	Pending
89-100-0002	Having difficulty restructuring loan with the Manitoba Agricultural Credit Corporation.	Resolved
89-100-0003	Alleges that Crown Land Appeal Hearing resulted in unfair allocation of pasture land.	Pending
89-100-0004	Disagrees with amount of compensation offered for crop damage.	Pending
89-100-0005	Alleges unfair allocation of Crown lands.	Pending
89-100-0006	Alleges unfair denial of compensation payment for flooded farmland.	Not Supported
89-100-0007	Dispute regarding indebtedness with M.A.C.C.	Pending
89-100-0008	Dispute over debt with the Manitoba Crop Insurance Corporation.	Declined
89-100-0009	Dispute over crop insurance claim.	Resolved
89-100-0010	Concerns over inquiries by Department re use of Agricultural Crown land.	Discontinued (Client)
89-100-0011	Alleges unfair denial of claim by the Manitoba Crop Insurance Corporation.	Pending
89-100-0012	Alleges unjust removal from the Livestock Feed Security Program.	Not Supported
89-100-0013	Concerns re Flood Diversion Program.	Pending
89-100-0014	Denial of application for the Excessive Summerfallow Compensation Program.	Pending
Justice – 236		
89-110-0001	Objects to report of Chief Medical Examiner.	Resolved
89-110-0002	Disagrees with decision of Human Rights Commission re dismissal of complaint.	Not Supported
89-110-0004	Department's refusal to investigate a complaint he presented to them.	Declined
89-110-0005	Alleges administrative error caused him to miss Small Claims Court Hearing resulting in judgement against him.	Resolved
89-110-0006	Headingley Correctional Institution inmate alleges being assaulted by a guard.	Pending
89-110-0007	Seeking information re existence of orders remanding accused for psychiatric observation.	Pending
89-110-0008	Inmate in The Pas Correctional Institution alleges unfair treatment by Legal Aid lawyers and the court system.	Information Supplied
89-110-0010	Brandon Correctional Institution inmate alleges inadequate dental care.	Not Supported

89-110-0011	Complainant feels it is unfair that correctional officers training course does not offer a salary as training allowance.	Discontinued (Client)
89-110-0012	Brandon Correctional Institution inmate alleges inappropriate delay by staff in responding to his request.	Not Supported
89-110-0013	Headingley Correctional Institution inmate alleges that his temporary absence pass was unfairly revoked.	Pending
89-110-0014	Inquiry regarding procedure at maintenance arrears hearing.	Information Supplied
89-110-0015	Youth concerned about denial of bail application after being charged under The Young Offenders Act.	Not Supported
89-110-0016	Provincial Remand Centre inmate alleges that his requests for medication were ignored.	Not Supported
89-110-0017	Unhappy with court proceedings re landlord/ tenant dispute.	Information Supplied
89-110-0018	Headingley Correctional Institution inmate expressing concern re the adequacy of past and present psychological counselling plans.	Information Supplied
89-110-0019	Portage Correctional Institution inmate wishes to be placed in solitary confinement.	Pending
89-110-0020	Headingley Correctional Institution inmate alleges abuse by correctional officers.	Not Supported
89-110-0021	Concerns by Headingley Correctional Institution inmates about being placed in "the hole".	Not Supported
89-110-0022	Headingley Correctional Institution inmate alleges lack of rehabilitation and medical treatment.	Not Supported
89-110-0023	Headingley Correctional Institution inmate feels institution should look after providing a dental plate.	Not Supported
89-110-0024	Headingley Correctional Institution inmate alleges that he is unfairly placed in segregation as well as his privileges have been denied.	Resolved
89-110-0025	Brandon Correctional Institution inmate alleging lack of exercise time, eating utensils and writing materials.	Not Supported
89-110-0026	Headingley Correctional Institution inmate seeking clarification re transfer denied and also alleging harassment by guards.	Not Supported
89-110-0027	Alleges unfair treatment by staff at Youth Centre.	Not Supported
89-110-0028	Concerns re money held in trust.	Not Supported

89-110-0029	Milner Ridge Correctional Centre inmates objecting to strip searches of visitors.	Not Supported
89-110-0030	Alleges undue delay and mishandling of case by Manitoba Legal Aid.	Pending
89-110-0031	Alleges unfair action by Public Trustee's office.	Not Supported
89-110-0032	Alleges Public Trustee's office reneged on promise to pay one half of the rent for a two month period.	Not Supported
89-110-0033	Brandon Correctional Institution inmate alleges unreasonable and inappropriate searches of inmates, visitors, and cell mates.	Not Supported
89-110-0034	Headingley Correctional Institution inmate alleges being assaulted by officers while incarcerated.	Information Supplied
89-110-0035	Brandon Correctional Institution inmate alleges unfair handling of temporary absence pass application, work assignment and unit placement.	Resolved
89-110-0036	Alleges unfair denial of consideration for job at Milner Ridge Correctional Centre.	Discontinued (Ombudsman)
89-110-0037	Feels Crown should charge company because it is operating a business in Manitoba without being registered under The Business Names Registration Act.	Pending
89-110-0038	Headingley Correctional Institution inmate alleges that the Institution is either withholding or destroying his incoming mail.	Not Supported
89-110-0039	Brandon Correctional Institution inmate feels he should be allowed to use a pen to prepare document for his lawyer - rather than a pencil.	Resolved
89-110-0041	Brandon Correctional Institution inmate alleges unfair denial of permission to attend friend's funeral.	Not Supported
89-110-0042	Feels he has been unfairly incarcerated because of error by Fine Option Program.	Resolved
89-110-0043	Review of procedures established by Provincial Remand Centre to prevent loss of personal property of inmates being transferred.	Resolved
89-110-0044	Headingley Correctional Institution inmate seeking clarification re health care services for inmates.	Information Supplied
89-110-0045	Review of procedures used by Registrar of the Private Investigators and Security Guards Act re refusal to grant or renew a licence.	Pending

89-110-0046	Headingley Correctional Institution inmate expressing concerns re dental care and other matters.	Resolved
89-110-0047	Headingley Correctional Institution inmate allegedly denied use of telephone to make call re family tragedy.	Not Supported
89-110-0048	Alleges unfair denial of Legal Aid.	Assistance Rendered
89-110-0049	Brandon Correctional Institution inmate alleges guard gave inappropriate information to inmate's friend who was inquiring about him.	Not Supported
89-110-0050	Objects to Small Claims Court's policy regarding fees for subpoenas and witness fees.	Not Supported
89-110-0051	Provincial Remand Centre inmate feels institution is being unfair in not allowing his wife to visit him.	Resolved
89-110-0052	Alleges that Public Trustee did not manage his estate properly.	Not Supported
89-110-0053	Provincial Remand Centre inmate alleges being assaulted by correctional officers while incarcerated.	Discontinued (Client)
89-110-0054	Provincial Remand Centre inmate alleges that the Institution is refusing him proper medication.	Discontinued (Client)
89-110-0055	Brandon Correctional Institution inmate alleged that he is being treated unfairly by the Institution.	Resolved
89-110-0056	Headingley Correctional Institution inmate alleges that he is unfairly placed in segregation.	Not Supported
89-110-0057	Inmate feels he was unfairly denied a temporary absence to attend relative's funeral.	Not Supported
89-110-0059	Alleges that action of Maintenance Enforcement Program in issuing garnishee summons has caused undue hardship.	Pending
89-110-0060	Provincial Remand Centre inmate alleges that he is being treated unfairly by the Institution.	Not Supported
89-110-0061	Complaining about alleged abuse at Provincial Remand Centre three years ago.	Not Supported
89-110-0062	Headingley Correctional Institution inmate seeking clarification re information contained in his file.	Resolved
89-110-0063	Complainant alleging that weekend inmates are physically abused by the full-time inmates.	Discontinued (Ombudsman)
89-110-0064	Alleges she was evicted without proper notice.	Pending
89-110-0065	Questioning the administration of her estate by the Public Trustee's office.	Assistance Rendered
89-110-0066	Monitor Inquest recommendation.	Resolved

89-110-0067	Concerns regarding Maintenance Enforcement Program and enforcement of maintenance order.	Pending
89-110-0068	Alleged delay by Portage Correctional Institution in providing information to Workers Compensation Board.	Resolved
89-110-0069	Provincial Remand Centre inmates allege a guard is spreading false rumors about them.	Resolved
89-110-0070	Brandon Correctional Institution inmate alleges loss of property at correctional facility.	Resolved
89-110-0071	Provincial Remand Centre inmate alleges property lost at Institution.	Information Supplied
89-110-0072	Alleges error made by Department in accounting of maintenance payments.	Not Supported
89-110-0073	Brandon Correctional Institution inmate alleging unfair placement in segregation.	Not Supported
89-110-0074	Brandon Correctional Institution - dispute regarding release of money from inmate's account.	Resolved
89-110-0075	Monitoring Inquest.	Pending
89-110-0076	Brandon Correctional Institution inmate alleging assault by guards.	Discontinued (Client)
89-110-0077	Feels Maintenance Enforcement should be doing more to obtain maintenance payment and concerns for her two children.	Information Supplied
89-110-0078	Headingley Correctional Institution inmate alleges being unfairly placed in administration segregation.	Not Supported
89-110-0079	Provincial Remand Centre inmate alleges unfair denial of medication.	Discontinued (Client)
89-110-0080	Brandon Correctional Institution inmate alleging unfair denial of pre-release; undue delay in being granted doctor's appointment, undue delay in receiving eye glasses.	Not Supported
89-110-0081	Alleges inconsistent policy regarding the bringing of clothing to Provincial Remand Centre inmate.	Resolved
89-110-0082	Brandon Correctional Institution inmate alleges unfair denial of exercise time.	Resolved
89-110-0083	Headingley Correctional Institution inmate complaining re placement in segregation and visiting privileges.	Not Supported
89-110-0084	Headingley Correctional Institution inmate alleges that he was treated unfairly by being placed in segregation.	Not Supported

89-110-0085	Provincial Remand Centre inmate complaining about denial of visits.	Not Supported
89-110-0086	Alleges Public Trustee's office has improperly failed to pay interest on her share of the estate.	Resolved
89-110-0087	Provincial Remand Centre inmate expressing concerns about medical treatment.	Not Supported
89-110-0088	Headingley Correctional Institution inmate expressing concern about his transfer from Milner Ridge back to Headingley.	Not Supported
89-110-0089	Alleges error made by court clerk in recording judge's decision.	Resolved
89-110-0090	Brandon Correctional Institution inmate concerned that guard did not accept his explanation that his hitting the guard with a volleyball was an accident.	Not Supported
89-110-0091	Alleges unfair action by Public Trustee's office in response to request for information.	Discontinued (Client)
89-110-0092	Monitoring of Provincial Remand Centre Standing Order.	Resolved
89-110-0093	Headingley Correctional Institution intermittent inmate expressing concern about not having received a shower.	Resolved
89-110-0094	Provincial Remand Centre inmate allegedly refused access to his clothing in storage after some of his clothing was lost in laundry.	Resolved
89-110-0095	Provincial Remand Centre inmate complaining about lost or damaged clothing due to laundry problem.	Assistance Rendered
89-110-0096	Provincial Remand Centre inmate alleging unfair dismissal of twelve inmate trustees.	Not Supported
89-110-0097	Inmate alleges unfair dismissal as trustee of Provincial Remand Centre, and subsequent unfair transfer to Headingley Correctional Institution.	Not Supported
89-110-0098	Inmate alleges unfair dismissal as trustee of Provincial Remand Centre, and unfair transfer to Headingley Correctional Institution.	Not Supported
89-110-0099	Seeking assistance in obtaining response from Department.	Resolved
89-110-0100	Unhappy that Manitoba Human Rights Commission is unable to investigate his complaint right away.	Information Supplied
89-110-0101	Headingley Correctional Institution inmate alleges unfair denial of any further temporary absence passes.	Not Supported

89-110-0102	Seeking reimbursement of $66.00 which complainant says he paid for the return of personal property illegally seized by RCMP Constable.	Resolved
89-110-0103	Provincial Remand Centre inmate seeking transfer to Headingley Correctional Institution.	Discontinued (Client)
89-110-0104	Provincial Remand Centre inmate seeking clarification re visitation hours.	Discontinued (Client)
89-110-0105	Review of policy for handling privileged mail for inmates.	Discontinued (Ombudsman)
89-110-0106	Provincial Remand Centre inmate alleges unfair denial of additional gym time.	Resolved
89-110-0107	Review of procedural fairness on bail applications by youths.	Pending
89-110-0108	The Pas Correctional Institution inmate alleging inappropriate response to medical problem.	Not Supported
89-110-0109	Headingley Correctional Institution inmate unhappy with decision re telephone contact with his wife.	Resolved
89-110-0111	Dauphin Correctional Institution inmate expressing dissatisfaction with classification officer's performance.	Not Supported
89-110-0112	Dauphin Correctional Institution inmate expressing dissatisfaction with classification officer's performance.	Not Supported
89-110-0113	Headingley Correctional Institution inmate alleging unfair treatment by correctional officers and that his complaints are not being passed on to the Superintendent.	Not Supported
89-110-0114	Seeking access to file at Public Trustee's office.	Information Supplied
89-110-0115	Dauphin Correctional Institution inmates presenting petition re classification officer's performance.	Not Supported
89-110-0116	Provincial Remand Centre inmate concerned about his safety.	Assistance Rendered
89-110-0117	Feels he is not getting appropriate consideration and assistance from Department re child custody and maintenance problem.	Not Supported
89-110-0118	Provincial Remand Centre inmate alleging unfair treatment including false accusations being made against him.	Discontinued (Client)
89-110-0119	Seeking clarification re amount of fine levied by judge.	Assistance Rendered

89-110-0120	Alleges unreasonable delay in the setting of a trial date.	Resolved
89-110-0121	Brandon Correctional Institution inmate alleges improper denial of transfer.	Not Supported
89-110-0122	Provincial Remand Centre inmate concerned about his canteen order not being filled.	Resolved
89-110-0123	Brandon Correctional Institution inmate alleging unfair lockup and denial of permission to telephone his lawyer.	Resolved
89-110-0124	Alleging inefficiency at Land Titles Office.	Discontinued (Client)
89-110-0125	Feels concerns raised about release were not being addressed.	Assistance Rendered
89-110-0126	Headingley Correctional Institution inmate alleges unfair treatment by guards.	Not Supported
89-110-0127	Portage Correctional Institution inmate expressing concern about the treatment of another inmate; a problem involving eyeglasses; and telephone privileges.	Resolved
89-110-0128	Headingley Correctional Institution inmate alleges unfair treatment by correctional officer.	Not Supported
89-110-0129	Feels he is being unfairly treated in matter of maintenance payments and garnisheeing orders.	Information Supplied
89-110-0130	Brandon Correctional Institution inmate feels he has been unfairly denied a transfer to another institution.	Not Supported
89-110-0131	Headingley Correctional Institution inmate alleging unfair treatment by nurse.	Not Supported
89-110-0133	Provincial Remand Centre inmate feels he should have been transferred to attend court hearing.	Discontinued (Client)
89-110-0134	Headingley Correctional Institution inmate alleges he has been placed in segregation without explanation.	Not Supported
89-110-0135	Unhappy with Legal Aid's decision not to appeal a court ruling.	Pending
89-110-0136	Parent alleges inappropriate information shared by probation officer.	Pending
89-110-0137	Complaining about Law Enforcement Review Agency.	Discontinued (Client)
89-110-0138	Headingley Correctional Institution inmate alleges he was threatened by correctional officer.	Pending
89-110-0139	Concern over the confidentiality of an inquiry with the Surrogate Court.	Pending

89-110-0140	Headingley Correctional Institution inmate feels he was unfairly removed from work assignment.	Resolved
89-110-0141	Portage Correctional Institution inmate is concerned over medical treatments and visiting privileges.	Information Supplied
89-110-0142	Brandon Correctional Institution inmate complaining about denial of open visits.	Not Supported
89-110-0143	Brandon Correctional Institution inmate requests fresh air time.	Assistance Rendered
89-110-0144	Headingley Correctional Institution inmate dissatisfied with decision of Temporary Absence Board.	Discontinued (Client)
89-110-0145	Brandon Correctional Institution inmate alleges unfair treatment.	Not Supported
89-110-0146	Headingley Correctional Institution inmate alleges unfair allegation of misconduct.	Discontinued (Client)
89-110-0147	Headingley Correctional Institution inmate alleges denial of recreation privileges.	Not Supported
89-110-0148	Unable to obtain fire arm permit.	Not Supported
89-110-0149	Headingley Correctional Institution inmate generally dissatisfied with treatment in Institution.	Discontinued (Client)
89-110-0150	Provincial Remand Centre inmate feels denial of leave to attend funeral is unfair.	Not Supported
89-110-0151	Manitoba Youth Centre youth complaining over excessive heat in institution and delay in fixing air conditioner.	Resolved
89-110-0152	The Pas Correctional Institution inmate alleges unfair treatment re access to fresh air.	Resolved
89-110-0153	Headingley Correctional Institution inmate unhappy with Institution's decision not to finance a hearing aid for him.	Information Supplied
89-110-0155	Dissatisfied with decision of the Manitoba Human Rights Commission in dismissing complaint.	Declined
89-110-0156	Headingley Correctional Institution inmate alleges delay by Superintendent in dealing with complaint against a staff member.	Not Supported
89-110-0157	Concern over security of exhibits in Court of Queen's Bench.	Pending
89-110-0158	Feels he shouldn't have been denied Legal Aid.	Not Supported
89-110-0159	Headingley Correctional Institution inmate alleges unfair treatment by correctional officer.	Information Supplied
89-110-0160	Provincial Remand Centre inmate feels he was improperly left in segregation.	Not Supported

89-110-0161	Provincial Remand Centre inmate alleges unfair procedure followed at disciplinary hearing.	Resolved
89-110-0162	Milner Ridge Correctional Centre inmate alleges improper conduct.	Not Supported
89-110-0164	Headingley Correctional Institution inmate unable to retain personal papers in his cell.	Resolved
89-110-0165	Provincial Remand Centre inmate complaining that television set is not working.	Resolved
89-110-0166	Alleges delay in handling of Legal Aid application.	Information Supplied
89-110-0169	Youth concerned over denial of access to telephone while at Youth Centre.	Pending
89-110-0170	Brandon Correctional Institution inmate is concerned over denial of temporary absence passes.	Discontinued (Ombudsman)
89-110-0171	Alleges unfair handling of claim by Criminal Injuries Compensation Board.	Not Supported
89-110-0172	Problem over the redirecting of maintenance cheques.	Pending
89-110-0173	Brandon Correctional Institution inmate alleges improper medical attention.	Not Supported
89-110-0174	Portage Correctional Institution inmate feels denial of temporary absence pass was unfair.	Not Supported
89-110-0175	Provincial Remand Centre inmate alleging insufficient medical runs for his cell block and inadequate attention by guards re requests for medication.	Resolved
89-110-0177	Brandon Correctional Institution inmate alleges unfair treatment and being locked up without an explanation.	Pending
89-110-0178	Portage Correctional Institution inmates alleges unfair infringement upon their recreation time.	Resolved
89-110-0179	Portage Correctional Institution inmate seeking clarification re parole eligibility dates.	Assistance Rendered
89-110-0180	Alleges unfair denial of Legal Aid.	Information Supplied
89-110-0181	Brandon Correctional Institution inmate alleging discriminatory treatment re segregation time.	Pending
89-110-0182	Alleges unfair denial of Legal Aid to participate in special case in Federal Court re Royal Canadian Mounted Police Act.	Declined
89-110-0183	Provincial Remand Centre inmate allegedly not receiving proper medical and psychiatric care.	Pending

89-110-0184	Alleges lack of response by Maintenance Enforcement Program to inquiries about maintenance arrears.	Resolved
89-110-0185	Headingley Correctional Institution inmate alleges abuse and unfair treatment by guard.	Not Supported
89-110-0186	Portage Correctional Institution inmate alleges unfair cancellation of temporary absence pass.	Not Supported
89-110-0187	Portage Correctional Institution inmate alleges unfair denial of supper.	Resolved
89-110-0188	Portage Correctional Institution inmate alleges breach of confidentiality by institution re inmate's communication to Ombudsman.	Resolved
89-110-0189	Headingley Correctional Institution inmate alleges not being allowed to transfer money out to his family.	Resolved
89-110-0190	Brandon Correctional Institution inmate alleges unreasonable denial of outside exercise time and expressed other concerns.	Resolved
89-110-0191	Brandon Correctional Institution inmate objecting to pending transfer.	Discontinued (Client)
89-110-0192	Headingley Correctional Institution inmate alleges unfair denial of temporary absence pass.	Information Supplied
89-110-0193	Provincial Remand Centre inmate alleging unfair lock-up, and generally unfair treatment by guards.	Not Supported
89-110-0194	Brandon Correctional Institution inmate objecting to transfer.	Not Supported
89-110-0195	Headingley Correctional Institution inmate alleges unfair treatment by guard and in appropriate name calling.	Not Supported
89-110-0196	Employee alleges unfair treatment.	Information Supplied
89-110-0198	Portage Correctional Institution inmate alleges undue delay re obtaining further medical treatment.	Information Supplied
89-110-0199	Brandon Correctional Institution inmate alleges unfair disciplinary segregation.	Not Supported
89-110-0200	Alleges difficulty contacting Maintenance Enforcement Office.	Resolved
89-110-0201	Provincial Remand Centre inmate alleges unfair lock-up.	Pending
89-110-0202	Unhappy with letter received from Human Rights Commission regarding the investigation of his complaint.	Declined

89-110-0203	Brandon Correctional Institution inmate alleges guards have endangered his security; also alleges unfair handling of his request for transfer.	Discontinued (Client)
89-110-0204	Alleges case was inadequately dealt with by the Human Rights Commission.	Pending
89-110-0205	Questioning court action and decision re alleged driving offence.	Pending
89-110-0207	Headingley Correctional Institution inmate alleging unfair segregation and unfair treatment by correctional officers.	Pending
89-110-0208	Alleges lack of communication from Maintenance Enforcement Office.	Resolved
89-110-0209	Complainant bringing to our attention concerns presented directly to the Superintendent of Portage Correctional Institution.	Discontinued (Client)
89-110-0210	Expressing concern that Public Trustee's office has not yet completed his income tax forms for him.	Resolved
89-110-0211	Concerns re educational program at youth facility.	Pending
89-110-0212	Feels Maintenance Enforcement Branch has not been strict enough with defaulting ex-spouse.	Pending
89-110-0213	Concerns re inconsistent application of rules at youth facility.	Pending
89-110-0214	Headingley Correctional Institution inmate alleges denial of privileges and telephone calls to lawyer and Ombudsman.	Pending
89-110-0215	Brandon Correctional Institution inmate reports difficulty obtaining clothing for court appearance.	Pending
89-110-0216	Expressing concerns to Crown prosecutor re court related matters.	Pending
89-110-0217	Provincial Remand Centre inmate requests assistance with compassionate leave.	Information Supplied
89-110-0218	Feels elderly parent should not be under the care of the Public Trustee.	Information Supplied
89-110-0219	Alleges unfair denial of employment by Liquor Control Commission.	Pending
89-110-0220	Provincial Remand Centre inmate alleges denial of change of clothing.	Information Supplied
89-110-0221	Concerned over the ability of the Manitoba Human Rights Commission to do its job, due to a nine month delay in commencing investigation of complaint.	Pending
89-110-0222	Concerns about actions taken by Maintenance Enforcement.	Pending

89-110-0223	Portage Correctional Institution inmate concerned re cancellation of visits.	Discontinued (Client)
89-110-0224	Alleges court officials acted inappropriately by cancelling court order and by being rude in dealings with him.	Pending
89-110-0225	Brandon Correctional Institution inmate unhappy with decision re medication.	Information Supplied
89-110-0226	Provincial Remand Centre inmate raises concerns regarding his missing property.	Resolved
89-110-0227	Alleges unfair treatment by Law Enforcement Review Agency.	Declined
89-110-0228	Provincial Remand Centre inmate alleges unfair termination of visits from his wife.	Discontinued (Client)
89-110-0229	Headingley Correctional Institution inmate alleges being treated unfairly by the Institution.	Assistance Rendered
89-110-0230	Headingley Correctional Institution inmate seeking clarification re his length of sentence and release date.	Discontinued (Client)
89-110-0231	Provincial Remand Centre inmate seeks clarification regarding cancellation of visits.	Resolved
89-110-0232	Headingley Correctional Institution inmate alleges inadequate medical attention.	Pending
89-110-0233	Portage Correctional Institution inmate alleges unfair treatment by staff and other inmates.	Pending
89-110-0234	Headingley Correctional Institution inmate seeking clarification re release date.	Pending
89-110-0235	Headingley Correctional Institution inmate unhappy with decision of institution to not grant early release or temporary absence.	Pending
89-110-0236	Headingley Correctional Institution inmate complaining about not being allowed physiotherapy treatments.	Pending
89-110-0237	Portage Correctional Institution inmate alleging unfair placement in segregation.	Pending
89-110-0238	Portage Correctional Institution inmate alleging inadequate medical care.	Pending
89-110-0239	Brandon Correctional Institution inmate alleging unfair treatment and objecting to controlled visits.	Pending
89-110-0240	Alleges Attorney General did not properly handle his complaint.	Pending
89-110-0241	Headingley Correctional Institution inmate alleging denial of phone calls to lawyer and to Ombudsman's office; also alleging superintendent refusing to discuss problem with him.	Pending

89-110-0242	Alleges warrant for arrest issued even though fine had been paid.	Discontinued (Client)
89-110-0243	Provincial Remand Centre inmate alleges unfair treatment, including name-calling by correctional officers.	Pending
89-110-0244	Headingley Correctional Institution inmate alleges unfair treatment by correctional officers.	Pending
89-110-0246	Parent alleges she is having difficulty having son picked up for violation of Bail Order.	Resolved
89-110-0247	Provincial Remand Centre inmate concerned over refusal to use legally changed name.	Resolved
89-110-0248	Concerns regarding alleged premature release from Headingley Correctional Institution.	Pending
89-110-0249	Headingley Correctional Institution inmate alleges unfair treatment by the Institution.	Pending
89-110-0250	Headingley Correctional Institution inmate expressing concern about lack of showers and being placed in special handling unit.	Pending
Civil Service Commission – 8		
89-130-0001	Alleges persecution in his attempt to secure employment.	Not Supported
89-130-0002	Expressing concern about the early retirement enhancement package introduced in 1983, under the Superannuation Severance Supplement Act.	Declined
89-130-0003	Employee alleging that he accepted a reclassification on the basis of false information.	Discontinued (Client)
89-130-0004	Objects to fees assessed for information under Freedom of Information Act.	Not Supported
89-130-0005	Feels denial of Long Term Disability payments is unfair.	Pending
89-130-0006	Feels assessment of fees for application under Freedom of Information Act is unnecessary.	Not Supported
89-130-0007	Review of allegation that Civil Service Commission is allowing improper hiring practices.	Pending
89-130-0008	Alleges unfair and discriminatory selection process re job competition.	Pending
Family Services – 82		
89-140-0002	Resident objecting to medical examination.	Assistance Rendered
89-140-0003	Youth in Manitoba Youth Centre disagrees with plans being made for her by Child and Family Services agency.	Information Supplied

89-140-0004	Complaining about the handling of his situation by Child and Family Services agency.	Information Supplied
89-140-0005	Alleges lack of assistance from Child and Family Services agency.	Pending
89-140-0006	Alleges Department did not investigate complaints regarding a children's day care.	Pending
89-140-0007	Parents feel that Child & Family Services agency should be able to come up with an appropriate placement and program for their mentally handicapped son.	Resolved
89-140-0008	Requesting assistance to locate children taken into care sixteen to nineteen years ago.	Information Supplied
89-140-0009	Alleges that actions of department officials have caused the loss of individual's livelihood.	Discontinued(Ombudsman)
89-140-0010	Youth alleging that Child and Family Services agency is not acting in her best interest.	Discontinued (Client)
89-140-0011	Requesting assistance in locating birth parents.	Assistance Rendered
89-140-0012	Youth feels he was improperly apprehended.	Not Supported
89-140-0013	Youth alleging Child and Family Services agency refusing to provide assistance.	Assistance Rendered
89-140-0014	Concerns re treatment children are receiving in foster care.	Not Supported
89-140-0015	Parent reports difficulty in getting services for special need student.	Not Supported
89-140-0016	Day care worker feels unfairly treated after reporting incidents of abuse at day care centre.	Resolved
89-140-0017	Unmarried teenage mom alleging problems in receiving assistance from Child and Family Services agency.	Resolved
89-140-0018	Alleges unfair decision of Social Services Advisory Committee; also alleging unfair treatment by Department regarding date of birth and Canada Pension Plan.	Not Supported
89-140-0019	Alleged management problems and unfair treatment of staff member.	Discontinued (Client)
89-140-0020	Complaint regarding agency's handling of sexual abuse investigation.	Declined
89-140-0021	Concerns regarding placement of child.	Pending
89-140-0022	Review of agency's handling of sexual abuse allegations.	Discontinued(Ombudsman)
89-140-0023	Complaint regarding apprehension of daughter.	Information Supplied
89-140-0024	Parents concerned regarding apprehension of child.	Pending

89-140-0025	Grandmother expressing concern about the welfare of her two year old grandson.	Assistance Rendered
89-140-0026	Feels Department should not be conducting an investigation into whether she defrauded them re social allowances.	Information Supplied
89-140-0027	Parent experiencing difficulties in obtaining funding for child with behavior problem.	Resolved
89-140-0028	Review of Child and Family Services agency's handling of teenager's case.	Pending
89-140-0029	Alleges unfair investigation by Child and Family Services agency.	Not Supported
89-140-0030	Teenage mom requesting financial assistance.	Resolved
89-140-0031	Foster parent feels she should be reimbursed for damage allegedly done to her home by foster child.	Assistance Rendered
89-140-0032	Teenage mother disagrees with agency planning.	Pending
89-140-0033	Complaint regarding service provided by Child and Family Services agency.	Pending
89-140-0034	Monitoring Department's investigation of day care.	Discontinued(Ombudsman)
89-140-0036	Problems in obtaining birth certificate.	Information Supplied
89-140-0037	Dispute over confidentiality of records.	Pending
89-140-0038	Requesting assistance in reporting alleged sexual assault.	Assistance Rendered
89-140-0039	Monitoring Inquest re death of thirteen year old child.	Pending
89-140-0040	Review of Department's handling of case.	Pending
89-140-0042	Youth requesting assistance with family problems.	Assistance Rendered
89-140-0043	Group Home Operator alleges unfair dismissal.	Information Supplied
89-140-0044	Income Security recipient in need of emergency funds due to cheque being mailed to wrong address.	Resolved
89-140-0045	Unable to obtain funding for employment training.	Not Supported
89-140-0046	Alleges that Child and Family Services agency has caused her a grievance by not surrendering its file on her case to the Director of Child and Family Services.	Declined
89-140-0047	Monitor Inquest.	Pending
89-140-0048	Monitor Inquest.	Pending
89-140-0049	Foster parent alleges Department did not pay adequate room and board after removing foster child from home.	Discontinued (Client)

89-140-0050	Day Care Operator feels denial of request for general operating procedures unfair.	Pending
89-140-0051	Alleges unfair denial of social allowances.	Pending
89-140-0052	Feels unfairly treated by Vital Statistics re his request for a search of birth records.	Pending
89-140-0053	Grandparents requesting assistance in custody issue.	Information Supplied
89-140-0054	Alleges that government does not allow a Child Care Center with subsidized spaces to charge non-subsidized parents more than those that receive a subsidy, and that this policy is not fair.	Pending
89-140-0055	Former ward of Child & Family Services denied access to agency records.	Information Supplied
89-140-0056	Youth alleges unfair treatment by social worker.	Not Supported
89-140-0057	Social assistance recipient denied money for moving costs.	Resolved
89-140-0058	Teenager reports difficulty obtaining financial assistance.	Information Supplied
89-140-0059	Delay in receiving social allowances cheque.	Resolved
89-140-0060	Complaint regarding apprehension of infant.	Pending
89-140-0061	Complainant feels confidentiality violated.	Pending
89-140-0062	Concern regarding Child and Family Services agency.	Discontinued (Client)
89-140-0063	Complaint re handling of sexual abuse investigation.	Pending
89-140-0064	Review of Child and Family Services policy and procedures draft.	Pending
89-140-0065	Family alleges unfair treatment regarding apprehension of daughter.	Pending
89-140-0066	Alleging unfair cancellation of social allowances and also alleges that Department is not assisting him in his efforts to obtain employment.	Pending
89-140-0067	Alleges undue delay by student social allowances caused him loss of funds.	Pending
89-140-0068	Monitoring of Ombudsman's recommendations re Manitoba Developmental Centre.	Pending
89-140-0069	Teenager requesting assistance from Child and Family Services agency.	Assistance Rendered
89-140-0070	Father concerned about agency's lack of communication with him re apprehension of his daughter.	Pending
89-140-0071	Single parent with two children feels she should qualify for social allowances.	Resolved

89-140-0072	Youth feels he was unfairly identified as reporting a complaint against a staff member after being told his name wouldn't be revealed.	Resolved
89-140-0073	Alleges unfair treatment by Department's demand for repayment of social allowances overpayment.	Pending
89-140-0074	Alleges unfair handling of child abuse allegations.	Pending
89-140-0075	Alleges inadequate social allowances and unfair treatment.	Pending
89-140-0076	Concerns re Department's review of residential facility for physically handicapped.	Pending
89-140-0077	Complaining that provincial social allowances rates are less than city social allowances rates.	Pending
89-140-0078	Parent concerned regarding involvement of Child and Family Services agency.	Information Supplied
89-140-0079	Agency alleging that Department has reneged on its commitment to pay for special audit.	Pending
89-140-0080	Concern over well-being of child.	Resolved
89-140-0081	Complaint regarding apprehension of child.	Pending
89-140-0082	Seeking assistance re social allowances problems.	Pending
89-140-0083	Youth complaining about treatment in foster home.	Pending
89-140-0084	Teenager requesting financial assistance.	Pending
89-140-0085	Denial of Christmas visit with child in care.	Information Supplied
Co-operative, Consumer and Corporate Affairs – 8		
89-150-0001	Seeking clarification re response of Consumer's Bureau to complaint.	Information Supplied
89-150-0002	Monitoring response of Department to a concern brought to its attention.	Discontinued (Ombudsman)
89-150-0003	Dissatisfied with service provided by Consumer's Bureau.	Information Supplied
89-150-0004	Unhappy with Manitoba Security Commission's response to complaint about real estate agent and company.	Not Supported
89-150-0005	Alleges delay and lack of action by Manitoba Securities Commission regarding complaint.	Pending
89-150-0006	Complainant alleges unfair action by Credit Union Stabilization Fund Board re his employment with a credit union.	Declined
89-150-0007	Alleged inaction by the Manitoba Securities Commission re matter involving limited partnership.	Pending

89-150-0008	**Dispute with Manitoba Securities Commission re the maintaining of interest in trust account.**	Pending
Corporations and Extra Departmental – 13		
89-170-0001	Claims that Manitoba Telephone System does not have the right to install, over right of way, cables for transmitting television signals.	Information Supplied
89-170-0002	Unable to obtain return of security deposit from Manitoba Telephone System.	Resolved
89-170-0003	Alleges Manitoba Arts Council is using an unfair process to decide upon applications for grants.	Discontinued (Client)
89-170-0004	Feels Manitoba Telephone System has unfairly charged for removing name from phone directory.	Resolved
89-170-0005	Feels unfairly treated by Manitoba Telephone System re business listing in telephone directory.	Resolved
89-170-0006	Feels Manitoba Telephone System is unfairly disallowing her phone service.	Resolved
89-170-0007	Contractor unhappy with the consideration provided by Manitoba Development Corporation for work performed.	Pending
89-170-0008	Application for access to information raises concerns about the procedure followed in receiving application.	Resolved
89-170-0009	Feels Manitoba Telephone System should provide extension to deadline for paying account.	Not Supported
89-170-0010	Concern over retirement procedures.	Pending
89-170-0011	Dispute with Manitoba Telephone System over responsibility for long distance phone calls charged on bill.	Pending
89-170-0012	Dispute over disconnection of phone service by Manitoba Telephone System.	Not Supported
89-170-0013	Concern over alleged lottery ticket impropriety.	Pending
Education and Training - 7		
89-200-0001	Alleges unfair denial of certificate after completion of community college course.	Resolved
89-200-0002	Concerned over treatment of student enrolled in Health Record Technician course.	Assistance Rendered
89-200-0003	Alleges unfair removal from course at Manitoba Technical Training Centre.	Pending
89-200-0004	Monitoring of Department's response to concerns presented about school division's policy re handling of student assault cases.	Discontinued (Client)
89-200-0005	Seeking advice re appeal against by-law passed by school board.	Information Supplied

89-200-0006	Feels unfair assessment of education tax for non-resident student.	Discontinued (Client)
89-200-0007	Alleges unfair dismissal from community college nursing program.	Pending
Employment Services and Economic Security – 15		
89-210-0001	Alleges irresponsible actions by administrators of the Child Related Income Support Program.	Not Supported
89-210-0002	Concerned over decision to terminate social allowances payment and reclaim overpayment.	Information Supplied
89-210-0003	Questions concerning application for social allowances and medical benefits.	Information Supplied
89-210-0004	Dispute concerning alleged overpayment of room and board.	Pending
89-210-0005	Objecting to reduction of social allowances benefit.	Discontinued (Client)
89-210-0006	Lawyer feels it is unfair that Department has placed a Social Assistance Lien on his client's home.	Not Supported
89-210-0007	Concern about possible termination of social allowances.	Information Supplied
89-210-0008	Alleges unfair treatment re social allowances.	Not Supported
89-210-0009	Problem obtaining homemaking assistance.	Resolved
89-210-0010	Social allowances recipient wants assistance for food paid directly to him rather than to restaurant.	Not Supported
89-210-0011	Individual alleging improper assessment of overpayment of social allowances.	Not Supported
89-210-0012	Disagrees with decision of Social Services Advisory Committee.	Not Supported
89-210-0013	Dissatisfied with deductions of overpayment from social assistance.	Information Supplied
89-210-0014	Alleges problem with processing of CRISP application.	Pending
89-210-0015	Inmate seeking clarification re what social allowances benefits he will be entitled to receive once released.	Information Supplied
Energy and Mines – 1		
89-220-0001	Alleges unfair treatment by Department re mining claims.	Pending
Environment – 1		
89-230-0001	Concerned that Department may not be following The Environment Act re the matter of a public hearing concerning a potential environmental hazard.	Resolved

Executive Council – 1

89-235-0001	Complaining about the interpretation and treatment of fees with respect to application for access to information.	Pending

Federal Departments and Agencies – 14

89-240-0001	Seeking clarification re pension entitlement from federal crown corporation.	Information Supplied
89-240-0002	Difficulties with income supplement program.	Information Supplied
89-240-0003	Stony Mountain Institution inmate complaining about hiring of female guards.	Information Supplied
89-240-0004	Income tax problem.	Information Supplied
89-240-0005	Alleges unfair treatment regarding bid for Crown land.	Information Supplied
89-240-0006	Feels Federal Government's policy re purchase of previous service for pension purposes is discriminatory.	Information Supplied
89-240-0007	Unable to obtain Child Tax Credit for child who was in care.	Assistance Rendered
89-240-0008	Wishing to reclaim expropriated land no longer required by the Federal Government.	Information Supplied
89-240-0009	Concern over the Canadian Medicare System.	Declined
89-240-0010	Disputes findings of Federal Meat Inspector.	Assistance Rendered
89-240-0011	Difficulties involving Old Age Security overpayment.	Assistance Rendered
89-240-0012	Inmate disagrees with decision of National Parole Board.	Information Supplied
89-240-0013	Difficulties re child tax credit.	Assistance Rendered
89-240-0014	Milner Ridge Correctional Centre inmate complaining about conduct of parole officer.	Discontinued (Ombudsman)

Finance – 7

89-250-0001	Feels he has been unfairly denied refund of retail sales tax.	Not Supported
89-250-0002	Alleges departmental staff giving him conflicting information re retail sales tax exemptions.	Discontinued (Client)
89-250-0003	Complainant objects to paying sales tax on vehicle purchased out of province.	Not Supported
89-250-0004	Objects to having to pay sales tax on purchase made to replace vandalized property.	Not Supported
89-250-0005	Feels he should not have to pay sales tax a second time in order to change registration of vehicle.	Resolved

89-250-0006	Delay encountered in receiving refund of retail sales tax.	Not Supported
89-250-0007	Alleges Department did not keep promise re rates of interest to be paid on bonds.	Pending
Government Services – 5		
89-260-0001	Alleges that design of project completed on expropriated land was not fully disclosed prior to expropriation.	Pending
89-260-0002	Requesting assistance to conclude transfer of land agreement which dates back twelve years.	Information Supplied
89-260-0003	Dispute over the acquisition of land.	Information Supplied
89-260-0004	Alleges unfair treatment by Manitoba Disaster Assistance Board.	Discontinued (Ombudsman)
89-260-0005	Alleges unfair denial of compensation following fire loss.	Pending
Health – 72		
89-270-0001	Feels Department should compensate for damage caused by resident placed in her home.	Resolved
89-270-0003	Health Sciences Centre patient alleges being abused by staff.	Information Supplied
89-270-0004	Health Sciences Centre patient wished to be released from psychiatric ward.	Pending
89-270-0005	Eden Mental Health Centre patient wishes to be released.	Information Supplied
89-270-0006	Monitor Inquest.	Pending
89-270-0007	Selkirk Mental Health Centre patient alleges abuse, and also that as a voluntary patient he is not being allowed to sign himself out.	Information Supplied
89-270-0008	Involuntary patient at Health Science Centre alleges unfair placement in seclusion.	Pending
89-270-0009	Health Sciences Centre patient seeking to be released from psychiatric ward.	Information Supplied
89-270-0010	Expressing concern about the cutback of duties of home care staff providing services to help her look after her disabled sister.	Pending
89-270-0011	Health Sciences Centre patient feels he has been unfairly denied access to his bank account.	Not Supported
89-270-0012	Health Sciences Centre patient wants information regarding his status.	Information Supplied
89-270-0013	Anonymous caller alleges that improper procedures were used to admit individual to psychiatric ward of hospital.	Not Supported

89-270-0014	Selkirk Mental Health Centre patient alleges unfair denial of privileges.	Not Supported
89-270-0015	Alleges improper confinement to psychiatric facility.	Discontinued (Client)
89-270-0016	Former patient alleging unfair treatment while in psychiatric ward of hospital.	Assistance Rendered
89-270-0017	Concerned about care being received by teenaged daughter in psychiatric facility.	Information Supplied
89-270-0018	Employee expressing concern over how Selkirk Mental Health Centre carried out administration procedures concerning staff.	Discontinued (Ombudsman)
89-270-0019	Feels staff of psychiatric facility should be informing him of whereabouts of his wife, reportedly transferred from the hospital to a group home.	Information Supplied
89-270-0020	Selkirk Mental Health Centre patient alleging unfair treatment.	Not Supported
89-270-0021	Personal care home alleging unfair funding practice by Manitoba Health Services Commission.	Pending
89-270-0022	Alleges unfair denial of benefits under long term disability plan.	Resolved
89-270-0023	Brandon Mental Health Centre patient seeking change of status.	Information Supplied
89-270-0024	Problems re terms and conditions of employment, including reclassification and promotion opportunities.	Information Supplied
89-270-0025	Monitor Inquest.	Pending
89-270-0026	Complaints regarding psychiatric services for son.	Not Supported
89-270-0027	Requesting assistance for psychiatric assessment of child.	Resolved
89-270-0028	Selkirk Mental Health Centre patient feels he should not be in that centre but rather in some other facility.	Information Supplied
89-270-0029	Selkirk Mental Health Centre patient unhappy with treatment being received from his doctor.	Information Supplied
89-270-0030	Health Sciences Centre psychiatric patient alleges improper confinement.	Information Supplied
89-270-0031	Requesting review of procedures leading to confinement in psychiatric facility.	Declined
89-270-0032	Health Sciences Centre psychiatric patient alleges that the Institution is administering drugs against his wishes.	Pending

89-270-0033	Disagrees with assessment by Alcoholism Foundation of Manitoba.	Not Supported
89-270-0034	Selkirk Mental Health Centre patient complaining about being physically abused by staff and other patients.	Not Supported
89-270-0035	Complaint re service provided by psychiatric unit.	Pending
89-270-0036	Complaint re service provided by adolescent mental health worker.	Not Supported
89-270-0037	Patient would like to be released from psychiatric facility.	Information Supplied
89-270-0038	Patient wants to be released from psychiatric facility.	Pending
89-270-0039	Physically disabled individual seeks assistance in replacing wheelchair.	Resolved
89-270-0040	Psychiatric patient wants to be released.	Information Supplied
89-270-0041	Concerns presented by staff and patients at Brandon Correctional Institution re ventilation, high temperature, recreation programming, etc.	Pending
89-270-0042	Psychiatric patient wants court review.	Information Supplied
89-270-0043	Concern over procedures followed on discharge from psychiatric institution.	Not Supported
89-270-0044	Psychiatric patient inquiring into rights as an involuntary patient.	Information Supplied
89-270-0045	Alleges improper confinement at Selkirk Mental Health Centre.	Pending
89-270-0046	Selkirk Mental Health Centre patient does not feel he should be at the Centre.	Information Supplied
89-270-0047	Difficulties establishing eligibility for the Life Saving Drug Program.	Resolved
89-270-0048	Health Sciences Centre psychiatric patient dissatisfied with treatment.	Information Supplied
89-270-0049	Individual seeking advice re obtaining clinical records from psychiatric ward of Health Sciences Centre.	Assistance Rendered
89-270-0050	Parents of psychiatric patient at Health Sciences Centre seeking release of their son.	Information Supplied
89-270-0051	Health Sciences Centre psychiatric patient feels he should be released.	Information Supplied
89-270-0052	Seeking information re the drug benefit plan for senior citizens.	Information Supplied
89-270-0053	Concerned about past medical records.	Declined

89-270-0054	Employee alleging unfair treatment by her director.	Discontinued (Client)
89-270-0055	Selkirk Mental Health Centre patient complaining about inadequate food and other conditions on his ward.	Not Supported
89-270-0056	Health Sciences Centre psychiatric patient requested interview; however no specific complaint presented.	Discontinued (Ombudsman)
89-270-0057	Former patient of Health Sciences Centre psychiatric ward alleges his personal property was lost by Centre.	Information Supplied
89-270-0058	Brandon Mental Health Centre patient alleging unfair treatment re discharge request and medication.	Not Supported
89-270-0059	Seven Oaks Hospital psychiatric patient complaining about treatment and alleged lack of care by nurses.	Discontinued (Client)
89-270-0060	Expressing concern about Health Services Commission's policy that has caused family doctor to resign because of financial restrictions on home visits.	Pending
89-270-0061	Concern about protocols in place at Health Sciences Centre re the prescribing of medication for psychiatric patient.	Pending
89-270-0062	Feels he was unfairly dismissed from Alcoholism Foundation program.	Not Supported
89-270-0063	Selkirk Mental Health Centre patient seeking assistance re personal matter.	Assistance Rendered
89-270-0064	Health Sciences Centre psychiatric patient seeking release from hospital.	Information Supplied
89-270-0065	Individual seeking advice re obtaining information from the Manitoba Health Services Commission.	Assistance Rendered
89-270-0066	Selkirk Mental Health Centre patient alleging physical abuse by male nurse.	Pending
89-270-0067	Employee alleging unfair treatment by Department re job related anxiety and stress.	Declined
89-270-0068	Psychiatric patient wishing admittance to a certain hospital alleges that she was admitted to a different hospital against her will.	Pending
89-270-0069	Health Sciences Centre psychiatric patient seeking to be released from hospital.	Information Supplied
89-270-0070	Grace Hospital psychiatric patient seeking clarification re ward placement.	Information Supplied

89-270-0071	Monitoring inquest re death of resident in psychiatric facility.	Pending
89-270-0072	Feels Community Health Services office should have been more helpful in seeing that psychiatric assessment is completed on individual reportedly needing help.	Not Supported
89-270-0073	Health Sciences Institution patient seeking reason for confinement to psychiatric ward.	Information Supplied
Highways and Transportation – 32		
89-280-0002	Alleges unfair treatment of employee re job competition.	Discontinued (Ombudsman)
89-280-0003	Driver seeking merit points for previous Manitoba residency and also for out-of-province residency.	Resolved
89-280-0004	Alleges unfair suspension of licence and unwarranted loss of opportunity to earn merit points.	Information Supplied
89-280-0005	Driver feels there has been an unfair allocation of demerit points with the transfer of his driver record from another province.	Not Supported
89-280-0006	Complainant feels he is being unfairly denied the opportunity to pursue course which may enable him to have driver licence reinstated.	Not Supported
89-280-0007	Driver wishing reinstatement of licence alleges that unfair requirement is being imposed upon him.	Not Supported
89-280-0008	Seeking assistance to have driver licence reinstated.	Not Supported
89-280-0009	Alleges unfair treatment in matter of driver licence suspension.	Resolved
89-280-0010	Feels driver licence has been unfairly suspended because of failure to pay a private judgement registered against him.	Not Supported
89-280-0011	Suspended driver seeking assistance to have driver licence reinstated.	Information Supplied
89-280-0012	Alleges that it is improper for Driver and Vehicle Licencing Branch to access him for conviction which occurred out of province three years ago.	Not Supported
89-280-0013	Feels he was improperly assessed demerit points by Driver and Vehicle Licencing.	Not Supported
89-280-0014	Objects to suspension of driver licence.	Pending
89-280-0015	Seeking reinstatement of driver licence.	Resolved
89-280-0016	Feels she had been unfairly denied class 4.0 driving privileges.	Not Supported

89-280-0017	Claims Department is acting contrary to public opinion in implementing parallel parking for town.	Discontinued (Client)
89-280-0018	Individual is unhappy with the decision of Driver and Vehicle Licencing to place his driver licence on probation.	Pending
89-280-0019	Concern over lack of safety warnings on highway.	Pending
89-280-0020	Objects to requirement for a medical report.	Not Supported
89-280-0021	Questions hiring practices by Department.	Pending
89-280-0022	Concern over noxious weeds allegedly cut by Department and left lying beside the highway.	Resolved
89-280-0023	Alleges unfair assessment of driving record by Rates Appeal Board.	Pending
89-280-0024	Alleges unfair treatment with respect to Civil Service competition.	Pending
89-280-0025	Alleges unfair treatment by Department re attempts to have driver licence reinstated.	Pending
89-280-0026	Feels decision of Licence Suspension Appeal Board is unfair.	Pending
89-280-0027	Disputes decision to be placed on probationary driver licence.	Pending
89-280-0028	Feels he is being charged too high an amount for his driver licence.	Not Supported
89-280-0029	Suspended driver feels fair consideration is not being given to the reinstatement of his licence.	Assistance Rendered
89-280-0030	Alleges racial discrimination by Department in matter of job competition.	Information Supplied
89-280-0031	Alleges unfair treatment by officials when renewing husband's driver licence.	Pending
89-280-0032	Alleges inadequate attempts by Driver and Vehicle Licencing Division to notify re licence suspension.	Pending
89-280-0033	Alleges that Department's policy of releasing names and addresses from vehicle registration/driver licencing files violates personal privacy.	Pending
Housing – 25		
89-290-0001	Disagrees with opinion of Landlord and Tenant Affairs Branch re security deposit.	Not Supported
89-290-0002	Monitoring of audit of administrative procedures re insurance claims.	Resolved
89-290-0003	Unhappy with handling of security deposit dispute.	Information Supplied

89-290-0004	Disagrees with decision of Rent Appeal Panel.	Not Supported
89-290-0005	Unhappy with disposition of security deposit dispute.	Pending
89-290-0007	Concern over redirect of rent order by Landlord and Tenant Affairs Branch.	Information Supplied
89-290-0008	Tenant disagrees with decision of Rent Appeal Board re rent increase.	Not Supported
89-290-0009	Complaining about delay in receiving mortgage clearance papers.	Resolved
89-290-0010	Unhappy with Landlord and Tenant Affairs' handling of security deposit dispute.	Information Supplied
89-290-0011	Feels Department should be responsible for preventing flooding to his property.	Discontinued (Client)
89-290-0012	Alleges unfair proceedings re Rent Appeal hearing.	Assistance Rendered
89-290-0013	Concerns re handling of landlord/tenant dispute.	Not Supported
89-290-0014	Feels hearing procedure was unfair.	Assistance Rendered
89-290-0015	Objects to rent increase.	Declined
89-290-0016	Alleges that Landlord & Tenant Affairs improperly failed to notify her of security deposit decision.	Pending
89-290-0017	Alleges unfair decision by Rent Appeal Board.	Pending
89-290-0018	Dissatisfied with home repair completed in 1976.	Discontinued (Ombudsman)
89-290-0019	Objects to the process followed by the Rentalsman in handling security deposit disputes.	Pending
89-290-0020	Alleges that Winnipeg Regional Housing Authority has treated her unfairly in asking her to vacate premises.	Discontinued (Client)
89-290-0021	Disputes decision of Appeal Branch.	Pending
89-290-0022	Alleges unfair consideration being given to application for low income housing.	Pending
89-290-0023	Alleges unfair treatment by housing authority re rent increase.	Pending
89-290-0024	Feels Landlord and Tenant Affairs Branch not assisting with landlord/tenant problems.	Assistance Rendered
89-290-0025	Claims Landlord and Tenant Affairs unable to help with landlord/tenant problem.	Not Supported
89-290-0026	Complainant reports that her application for housing was wrongly cancelled and that she should receive some priority on the waiting list.	Pending

Manitoba Hydro – 8

89-300-0001	Billing dispute.	Not Supported
89-300-0002	Billing dispute.	Resolved
89-300-0003	Alleges unfair disconnection of electricity.	Not Supported
89-300-0004	Problem involving meter readings.	Information Supplied
89-300-0005	Monitoring inquest.	Pending
89-300-0006	Dispute over responsibility for payment to replace hydro pole.	Pending
89-300-0007	Expressing concern that electricity will be cut off due to outstanding account.	Not Supported
89-300-0008	Feels Manitoba Hydro is improperly attempting to collect outstanding hydro bill.	Pending

Industry, Trade and Tourism - 2

89-310-0001	Alleges unfair denial of a licence to establish an outfitting service.	Pending
89-310-0002	Complaining about the interpretation and treatment of fees by Department with respect to application for access to information.	Pending

Labour – 18

89-320-0001	Concerns over proceedings and decision of Manitoba Labour Board.	Not Supported
89-320-0002	Unhappy with decision of Employment Standards Branch re wage dispute.	Not Supported
89-320-0003	Alleges unfair handling of complaint by Employment Standards Branch.	Discontinued (Client)
89-320-0004	Feels Pension Commission should allow spouse's waiver of right to pension.	Pending
89-320-0005	Monitor Inquest.	Resolved
89-320-0006	Unhappy with handling of case by Employment Standards.	Pending
89-320-0007	Concerned about the amount of time it is taking for Employment Standards to handle payment of wage complaint.	Not Supported
89-320-0008	Unhappy with Department's decision re her examination for a hairdresser's licence.	Discontinued (Client)
89-320-0009	Monitoring recommendation of provincial judge on inquest.	Resolved
89-320-0010	Concern raised over delay in handling his complaint over unpaid wages.	Information Supplied
89-320-0011	Disagrees with the Labour Board's decision to dismiss his complaint.	Pending

89-320-0012	Concern over unpaid wages from private company.	Resolved
89-320-0013	Concern expressed over government exam for licence.	Pending
89-320-0014	Complaint regarding Labour Board hearing.	Discontinued (Ombudsman)
89-320-0015	Seeking clarification re Employment Standard's alleged inability to collect wages owing and awarded to former employee.	Information Supplied
89-320-0016	Concern re fairness of pension legislation.	Information Supplied
89-320-0017	Alleges that release of seized funds resulted in overpayment and inability to obtain an accounting for disbursement of funds.	Pending
89-320-0018	Alleges unfair hearing by Manitoba Labour Board.	Pending
Rural Development - 2		
89-330-0001	Individual alleges that the Local Government District is unwilling to provide road access to his farmland.	Discontinued (Client)
89-330-0002	Objects to paying taxes on farmhouse.	Information Supplied
Municipalities, Cities, Towns, Etc. – 13		
89-340-0001	Seeking investigation re alleged maladministration by school division.	Discontinued (Client)
89-340-0002	Concerned that public be properly informed about development plan.	Pending
89-340-0003	Expressing concern over ambulance service provided.	Information Supplied
89-340-0004	Alleges unfair action by Superintendent of school division.	Information Supplied
89-340-0005	Residents of certain city streets seeking traffic control improvements.	Information Supplied
89-340-0006	Has concerns that dealings between developer and rural municipality will adversely affect his property value.	Assistance Rendered
89-340-0007	Child day care centre being asked by school division to relocate from school it presently occupies.	Declined
89-340-0008	Objects to collection practice of town re outstanding water bill.	Information Supplied
89-340-0009	Alleges police erred in their court testimony.	Information Supplied
89-340-0011	Unhappy with community council's choice of applicant for position to temporary/part-time clerk trainee.	Pending
89-340-0012	Alleges municipality failing to enforce by-law re derelict vehicles.	Assistance Rendered

89-340-0013	Difficulty obtaining access to information re assessment field sheets.	Information Supplied
89-340-0014	Complaint to city about quality of water.	Declined
Manitoba Public Insurance Corporation – 87		
89-350-0001	Alleges unfair denial of Autopac claim.	Not Supported
89-350-0002	Alleges unfair handling of Autopac claim.	Resolved
89-350-0003	Autopac claim dispute.	Pending
89-350-0004	Liability assessment dispute.	Not Supported
89-350-0005	Dispute over offer of settlement on Autopac claim.	Information Supplied
89-350-0006	Alleges improper handling of Autopac claim.	Not Supported
89-350-0007	Autopac claim dispute.	Not Supported
89-350-0008	Individual expressing concern that Corporation may not honor entire claim for stolen property.	Discontinued (Client)
89-350-0009	Feels denial of coverage for failure to renew driver licence on time is inequitable.	Resolved
89-350-0010	Disputes Autopac liability assessment; also alleges inappropriate handling of matter by Manitoba Public Insurance Corporation officials.	Not Supported
89-350-0011	Unhappy with Corporation's decision re payment of deductible.	Not Supported
89-350-0012	Dispute over Autopac claim for medical expenses.	Assistance Rendered
89-350-0013	Alleges unfair treatment re Autopac claim.	Pending
89-350-0014	Autopac claim dispute.	Resolved
89-350-0015	Concerns regarding claim settlement.	Information Supplied
89-350-0016	Individual is unhappy with the manner by which Autopac is settling her claim.	Information Supplied
89-350-0017	Dispute over whether payment was made for vehicle registration.	Resolved
89-350-0018	Dispute over Autopac claim revolving around whether Autopac premiums had been paid in full.	Not Supported
89-350-0019	Alleges unfair adjustment of Autopac claim.	Not Supported
89-350-0020	Autopac claim dispute.	Pending
89-350-0021	Dissatisfied with the effort made by the Corporation to locate liable party following accident.	Pending
89-350-0022	Concerned about adjustor's handling of Autopac claims.	Declined
89-350-0023	Alleges delay in settling claim.	Resolved
89-350-0024	Alleges unfair liability assessment by Autopac.	Not Supported

89-350-0025	Individual alleging that his friend was unfairly treated regarding investigation and settlement of Autopac claim.	Discontinued (Client)
89-350-0026	Autopac claim dispute.	Not Supported
89-350-0027	Autobody shop owner concerned about not being part of meetings with Manitoba Public Insurance Corporation regarding autobody repair industry.	Discontinued (Client)
89-350-0028	Alleges unfair handling of Autopac claim.	Pending
89-350-0029	Dispute over Autopac claim.	Resolved
89-350-0030	Autopac claim dispute.	Resolved
89-350-0031	Feels Autopac should pay his deductible.	Pending
89-350-0032	Feels Autopac claim has been unfairly handled.	Not Supported
89-350-0033	Seeking assistance re settling Autopac claims.	Discontinued (Client)
89-350-0034	Unhappy with 50/50 assessment of liability re Autopac claim.	Not Supported
89-350-0035	Feels Manitoba Public Insurance Corporation should disclose history of damage to vehicle which Manitoba Public Insurance Corporation is selling.	Information Supplied
89-350-0036	Feels Manitoba Public Insurance Corporation improperly assessed liability for accident.	Not Supported
89-350-0037	Disagrees with Manitoba Public Insurance Corporation's decision to disallow Autopac claim.	Resolved
89-350-0038	Seeking clarification of Corporation's position on Autopac claim.	Resolved
89-350-0039	Alleges unfair treatment re Autopac claim.	Not Supported
89-350-0040	Feels he is being unfairly treated under Autopac's temporary replacement vehicle policy.	Not Supported
89-350-0041	Dispute over amount of Autopac claim settlement and whether car should be repaired or written off.	Information Supplied
89-350-0042	Alleges unfair handling of Autopac claim.	Not Supported
89-350-0043	Person objects to retention time of Corporation's records.	Not Supported
89-350-0044	Dissatisfied with offer following total loss of vehicle.	Information Supplied
89-350-0045	Claimant feels unfairly treated by the Corporation's liability assessment procedures.	Information Supplied
89-350-0046	Confusion over the inclusion of sales tax in determination of actual cash value.	Resolved
89-350-0047	Claimant dissatisfied with settlement.	Declined

89-350-0048	Actual cash value dispute following total loss to truck.	Resolved
89-350-0049	Claim dispute.	Not Supported
89-350-0050	Concerns regarding the inclusion of provincial sales tax with actual cash value settlements.	Pending
89-350-0051	Feels driver licence should not be revoked because of indebtedness to Corporation.	Not Supported
89-350-0052	Alleges unfair handling of Autopac claim.	Resolved
89-350-0053	Objects to suspension of Autopac compensation benefits.	Pending
89-350-0054	Alleges unfair assessment of liability for car accident.	Pending
89-350-0055	Alleges unfair handling of Autopac claim.	Pending
89-350-0056	Alleges unfair liability assessment.	Pending
89-350-0057	Complainant feels Corporation should pay deductible since he was not at fault for accident.	Pending
89-350-0058	Alleges unfair liability assessment by Autopac.	Resolved
89-350-0059	Concerns over handling of Autopac claim.	Information Supplied
89-350-0060	Alleges harassment and unfair treatment by the Autopac special investigation unit.	Pending
89-350-0061	Autopac claim dispute.	Pending
89-350-0062	Expressing concern about tactics used by Special Investigation Unit in investigating claim.	Pending
89-350-0063	Autopac claim dispute and allegations of unfair negotiating practices.	Pending
89-350-0064	Alleges unfair and unduly delayed handling of Autopac claim.	Resolved
89-350-0065	Allegation that special Investigation Unit used improper and accusatory tactics.	Discontinued (Ombudsman)
89-350-0066	Dispute with Autopac over proposed settlement for motor home.	Resolved
89-350-0067	Feels Corporation is not properly handling Autopac claim.	Not Supported
89-350-0068	Autopac claim dispute where claimant feels he should not have to pay deductible.	Not Supported
89-350-0069	Seeking clarification re personal injury benefits being received.	Information Supplied
89-350-0071	Claim dispute regarding repairs.	Pending
89-350-0072	Autopac claim dispute.	Pending
89-350-0073	Disputes Autopac's assessment of liability.	Pending

89-350-0074	Feels Autopac made an unfair reversal of liability re accident.	Pending
89-350-0075	Alleges unfair treatment of Autopac claim.	Not Supported
89-350-0076	Concerned about handling of Autopac claim.	Resolved
89-350-0077	Alleges unfair treatment re two Autopac claims.	Pending
89-350-0078	Alleges unfair treatment re Autopac claim.	Pending
89-350-0079	Alleged improper use of confidential report to deny Autopac claim.	Pending
89-350-0080	Disputes assessment of liability re automobile accident.	Information Supplied
89-350-0081	Alleges unfair treatment re Autopac claim.	Pending
89-350-0082	Feels Corporation is not entitled to collect money allegedly owing by adjusting unrelated accounts.	Pending
89-350-0083	Alleges unfair termination of accident benefits.	Pending
89-350-0084	Alleges poor and misleading service re Autopac claim.	Pending
89-350-0085	Dispute over proposed Autopac claim settlement.	Pending
89-350-0086	Feels Corporation should pay Autopac deductible.	Pending
89-350-0087	Problems relating to Autopac claim and liability assessments.	Discontinued (Client)
89-350-0088	Alleges Autopac adjuster is unfairly handling bodily injury claim.	Pending
Natural Resources - 7		
89-360-0001	Employee experiencing difficulties with fellow employees and also with management.	Pending
89-360-0002	Alleges unfair allocation of Non-Canadian Black Bear licences.	Pending
89-360-0003	Feels Department should be responsible to compensate for loss of machinery destroyed while working on a forest fire.	Pending
89-360-0004	Objects to denial of timber cutting permit.	Discontinued (Client)
89-360-0005	Monitor inquest.	Pending
89-360-0006	Employee alleges that she was treated unfairly and unjustly by being denied a permanent appointment through open competition.	Discontinued (Client)
89-360-0007	Alleges unfair allocation of trap line.	Pending
Northern Affairs - 1		
89-370-0001	Alleges that the Department did not complete a proper assessment on business venture prior to granting a loan.	Discontinued (Ombudsman)

Private Matters – 53

89-380-0001	Monitor Inquest.	Pending
89-380-0002	Individual seeking access to Ombudsman's file concerning complaint investigated two years ago.	Information Supplied
89-380-0003	Concerns about law suit, doctors, lawyers and various other personal matters.	Declined
89-380-0004	Attempting to obtain copy of autopsy report re daughter's death.	Assistance Rendered
89-380-0005	Concerned about laws governing placement of liens on property.	Information Supplied
89-380-0006	Dispute over family estate.	Information Supplied
89-380-0007	Not happy with used car door purchased from used parts dealer.	Information Supplied
89-380-0008	Objecting to termination of employment.	Information Supplied
89-380-0009	Individual expressing concern over medical operation performed by specialist.	Information Supplied
89-380-0010	Alleges unfair treatment of son by Amateur Hockey Association.	Information Supplied
89-380-0011	Expressing concern that college is seeking cancellation of municipal taxes under provincial tax exemption law.	Information Supplied
89-380-0012	Concern over pensions allegedly withheld from former employees of company.	Assistance Rendered
89-380-0013	Dispute over pictures purchased from private company.	Assistance Rendered
89-380-0015	Individual alleges that wrong assessment was made many years ago re her hearing loss.	Information Supplied
89-380-0016	Dispute regarding termination of disability benefits.	Declined
89-380-0017	Landlord/Tenant dispute.	Information Supplied
89-380-0018	Seeking information regarding process for complaining about judicial system.	Information Supplied
89-380-0019	Small trucking company feels distributor has discriminated against it by choosing to transfer its business to a larger corporate trucking company.	Information Supplied
89-380-0020	Physician expressing concern over not being able to obtain life membership status with the Manitoba College of Physicians and Surgeons.	Declined
89-380-0021	Dispute with city over accident on city property.	Declined
89-380-0022	Alleges unfair policy by school division re student transportation.	Information Supplied

89-380-0023	Numerous personal problems - legal, municipal, housing, medical, financial, etc.	Information Supplied
89-380-0024	Consumer experiencing problem with film developing company.	Assistance Rendered
89-380-0025	Insurance company not settling claim for stolen articles.	Declined
89-380-0026	Dispute over custody of children.	Discontinued (Client)
89-380-0027	Seeking advice re matter of erroneous information being published in centennial books.	Information Supplied
89-380-0028	Dissatisfied with the actions of her legal counsel.	Declined
89-380-0029	Seeking a copy of a will from Surrogate Court.	Information Supplied
89-380-0030	Denied permission by landlord to erect a fence.	Information Supplied
89-380-0031	Employee feels he was treated unfairly by employer.	Declined
89-380-0032	Dispute over leasing of farmland.	Declined
89-380-0033	A condominium corporation objecting to request of private company for additional monthly charge for services provided.	Information Supplied
89-380-0034	Dispute over house insurance deductible.	Information Supplied
89-380-0035	Concern about credit record.	Information Supplied
89-380-0036	Problem involving maintenance of grave sites in cemetery.	Assistance Rendered
89-380-0037	Consumer complaining about not receiving prepaid mail order.	Assistance Rendered
89-380-0038	Alleges misleading advertisement in newspaper re employment opportunity.	Information Supplied
89-380-0039	Inmate is concerned about lack of response, by-out of-province authorities, to letter from his lawyer.	Declined
89-380-0040	Individual presenting concerns re stigma attached to mental illness.	Declined
89-380-0041	Consumer problem involving television repair company.	Declined
89-380-0042	Complaint against company re auction sales.	Declined
89-380-0043	Dispute over bill for special accommodation by hospital.	Information Supplied
89-380-0044	Expressing concern about uncle's well being and seeking to obtain committeeship for uncle's affairs.	Information Supplied
89-380-0045	Unhappy with work performed by dentists.	Information Supplied

89-380-0046	Consumer experiencing difficulties having necessary repairs completed on used vehicle recently purchased.	Information Supplied
89-380-0047	Complainant expressing concerns about lawyer.	Information Supplied
89-380-0048	Family dispute re housing accommodation for elderly parents.	Assistance Rendered
89-380-0049	Seeking Ombudsman's assistance re establishment of appeal avenue for employee concerns.	Information Supplied
89-380-0050	Problem involving contract to install enclosed sun-room.	Information Supplied
89-380-0051	Concern relating to out-of-province child protection agency.	Pending
89-380-0052	Seeking information re provincial Ombudsman legislation and proposed municipal ombudsman legislation.	Information Supplied
89-380-0053	Consumer having problems concerning car battery purchased from department store.	Assistance Rendered
89-380-0054	Tenant complaining about conditions of apartment.	Declined

Workers Compensation Board – 97

89-410-0001	Alleges Board intentionally issued cheque in wrong name.	Not Supported
89-410-0002	Concerned over Board's method of handling Compensation claim.	Information Supplied
89-410-0004	Alleges unreasonable delay in the handling of his claim.	Resolved
89-410-0005	Disagrees with termination of Compensation benefits.	Information Supplied
89-410-0006	Concerned over the length of time involved in Worker Compensation Board appeals.	Resolved
89-410-0007	Concerned that a decision had not yet been made re Compensation claim.	Resolved
89-410-0008	Alleges unreasonable delay by Board in reaching a final decision on his claim by way of a Board appeal.	Information Supplied
89-410-0009	Alleges unfair handling of Workers Compensation claim.	Discontinued (Client)
89-410-0010	Concerned about how Workers Compensation Board will handle his claim.	Information Supplied
89-410-0011	Alleges undue delay by Board in reaching decision on his claim.	Resolved
89-410-0012	Claimant feels he should be allowed to pick up benefit cheque rather than have it mailed to him.	Information Supplied

89-410-0013	Concern over delay by Board in reaching decision following hearing.	Resolved
89-410-0014	Disagrees with Board's decision re claim.	Not Supported
89-410-0015	Alleges unreasonable delays by Board in hearing his claim.	Resolved
89-410-0016	Alleges unfair handling of claim by Workers Compensation Board.	Not Supported
89-410-0017	Feels claim should have been accepted by Board.	Not Supported
89-410-0018	Problem with Compensation cheques not arriving on time.	Resolved
89-410-0019	Complainant feels she is getting a "runaround" from Workers Compensation Board office.	Resolved
89-410-0020	Claimant wants original letter and claim returned to him from the Workers Compensation Board.	Resolved
89-410-0021	Review of delays in claimants receiving hearings and decisions.	Resolved
89-410-0022	Feels entitled to further Compensation benefits.	Resolved
89-410-0023	Claimant concerned that he may not have received fair treatment by Board.	Not Supported
89-410-0024	Complainant feels his case was improperly handled by Board and that he should still be receiving compensation.	Information Supplied
89-410-0025	Concerned over delay in receiving response to appeal.	Discontinued (Client)
89-410-0026	Feels he should still be receiving Compensation benefits.	Information Supplied
89-410-0027	Feels he is entitled to partial disability pension.	Information Supplied
89-410-0028	Delay in receiving cheque.	Resolved
89-410-0029	Claimant alleges mishandling of appeal.	Not Supported
89-410-0030	Worker seeking review and reconsideration of claim by Workers Compensation Board.	Pending
89-410-0031	Inquiry re claim for work related hearing loss.	Assistance Rendered
89-410-0032	Dispute regarding Compensation benefits.	Information Supplied
89-410-0033	Delay in receiving Compensation cheque.	Information Supplied
89-410-0034	Alleges delay in processing Compensation claim.	Information Supplied
89-410-0035	Dissatisfied with decision of Board of Commissioners regarding claim.	Not Supported
89-410-0036	Objects to the termination of Compensation benefits.	Information Supplied

89-410-0037	Feels Workers Compensation Board has not handled his claim properly.	Not Supported
89-410-0038	Worker disagrees with Board's decisions denying his claims.	Not Supported
89-410-0039	Seeking clarification regarding status of Compensation claim.	Resolved
89-410-0040	Alleges unfair termination of Compensation benefits.	Information Supplied
89-410-0041	Disagrees with termination of Compensation benefits and the length of time before appeal can take place.	Assistance Rendered
89-410-0042	Alleges unfair denial of Compensation benefits.	Information Supplied
89-410-0043	Alleges undue delay and runaround in the handling of his appeal re Compensation termination.	Resolved
89-410-0044	Feels Board is taking too long to make a decision on Compensation claim.	Not Supported
89-410-0045	Unhappy with Board's decision re Compensation claims.	Information Supplied
89-410-0046	Complaining about length of time it is taking for Board to make a decision on claim.	Information Supplied
89-410-0047	Seeking assistance re determining status of Compensation claim.	Resolved
89-410-0048	Unhappy with decision re Compensation claim.	Not Supported
89-410-0049	Alleges undue delay in processing Compensation claim.	Information Supplied
89-410-0050	Alleges unfair termination of Compensation benefits.	Pending
89-410-0051	Alleges delay in adjudication of claim.	Resolved
89-410-0052	Alleges improper termination of rehabilitation benefits.	Information Supplied
89-410-0053	Alleges delay in receiving Compensation cheque.	Resolved
89-410-0054	Alleges improper termination of benefits.	Information Supplied
89-410-0055	Alleges improper termination of benefits at age 65.	Information Supplied
89-410-0056	Review of Board's policy re termination of benefits at age 65.	Pending
89-410-0057	Alleges unfair examination by Workers Compensation Board doctor.	Assistance Rendered
89-410-0058	Worker unhappy with Board decision re claim.	Pending

89-410-0059	Individual complaining of delays by the Workers Compensation Board regarding a decision for payment of disability benefits.	Information Supplied
89-410-0060	Disagrees with Board's decision that Compensation benefits be terminated.	Not Supported
89-410-0061	Concerns re Internal Appeals Procedure	Pending
89-410-0062	Difficulty obtaining access to medical records.	Resolved
89-410-0063	Disagrees with termination of Compensation benefits and alleges appeal will not be held until six months (or longer) down the road.	Pending
89-410-0064	Claims retroactive benefits should be paid.	Pending
89-410-0065	Denied Compensation benefits.	Resolved
89-410-0066	Dissatisfied with the need for claim to be reviewed by Medical Review Panel.	Discontinued (Client)
89-410-0067	Delays in processing claims.	Pending
89-410-0068	Concern over delay in handling claim.	Pending
89-410-0069	Disputes termination of Workers Compensation Board benefits.	Discontinued (Ombudsman)
89-410-0070	Delay in reviewing claim.	Information Supplied
89-410-0071	Worker denied Medical Review Panel.	Information Supplied
89-410-0072	Dissatisfied with decision of the Medical Review Panel.	Pending
89-410-0073	Alleges unfair termination of benefits.	Resolved
89-410-0074	Objects to decision of Board terminating benefits.	Pending
89-410-0075	Feels that Workers Compensation claim has been unfairly handled.	Pending
89-410-0076	Complainant is dissatisfied with the decision of the Workers Compensation Board to reduce his Compensation benefits.	Not Supported
89-410-0077	Worker alleges unfair Medical Review Panel.	Pending
89-410-0078	Seeking review of case by Board of Commissioners.	Declined
89-410-0079	Alleges delay by Board in reaching a decision on claim.	Resolved
89-410-0080	Feels Compensation claim is not being properly handled.	Discontinued (Client)
89-410-0081	Dispute re claim calculation.	Pending
89-410-0082	Disputing Review Committee's decision re Compensation claim.	Declined
89-410-0083	Worker feels Compensation rates unfairly calculated on basis of farm income.	Information Supplied

89-410-0084	Worker feels he isn't receiving full benefits entitlement.	Discontinued (Ombudsman)
89-410-0085	Alleging difficulties re obtaining Compensation cheque.	Information Supplied
89-410-0086	Alleges unfair denial of Compensation claims.	Discontinued (Ombudsman)
89-410-0087	Alleges unfair treatment and undue delay re claim.	Pending
89-410-0088	Alleges unfair termination of Workers Compensation benefits and lack of assistance with rehabilitation.	Pending
89-410-0089	Alleges unfair and improper termination of Workers Compensation benefits.	Pending
89-410-0090	Alleges undue delay and runaround in handling of claim.	Pending
89-410-0091	Worker not receiving Compensation cheques on time.	Information Supplied
89-410-0092	Seeking assistance re difficulties collecting Compensation benefits.	Information Supplied
89-410-0093	Alleges lack of communication by Board re his Compensation claim.	Pending
89-410-0094	Concerns re Compensation claim.	Pending
89-410-0095	Feels Workers Compensation Board is neglecting his claim.	Pending
89-410-0096	Alleges delay in appeal procedure.	Pending
89-410-0097	Alleges poor and misleading service re Compensation claim.	Pending
89-410-0098	Seeking assistance re Workers Compensation claim.	Information Supplied

The Ombudsman Act

CHAPTER O45

THE OMBUDSMAN ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions.

1 In this Act,

"agency of the government" means any board, commission, association, or other body of persons, whether incorporated or unincorporated, all the members of which or all the members of the board of management or board of directors of which,

(a) are appointed by an Act of the Legislature or by order of the Lieutenant Governor in Council, or

(b) if not so appointed, in the discharge of their duties are public officers or servants of the Crown, or for the proper discharge of their duties are, directly or indirectly, responsible to the Crown; ("organisme gouvernemental")

"department" means a department or branch of the executive government of the province; ("ministère")

"minister" means a member of the Executive Council. ("ministre")

Appointment of Ombudsman.

2(1) The Lieutenant Governor in Council shall, on the recommendation of the Standing Committee of the Assembly on Privileges and Elections, appoint a Canadian citizen as Ombudsman for the Province of Manitoba.

CHAPITRE O43

LOI SUR L'OMBUDSMAN

SA MAJESTÉ, sur l'avis et du consentement de l'Assemblée législative du Manitoba, édicte :

Définitions

1 Les définitions qui suivent s'appliquent à la présente loi.

"ministère" Ministère ou direction du gouvernement du Manitoba. ("department")

"ministre" Membre du Conseil exécutif. ("minister")

"organisme gouvernemental" Régie, commission, association ou autre groupe de personnes, constitué ou non en corporation, dont les membres ou les membres du conseil d'administration ou du conseil de direction :

a) sont nommés en vertu d'une loi de la Législature ou par décret du lieutenant-gouverneur en conseil;

b) sont, s'ils ne sont pas ainsi nommés, dans l'accomplissement de leurs fonctions des officiers publics ou des employés du gouvernement ou, pour l'accomplissement efficace de leurs fonctions, directement ou indirectement responsables devant la Couronne. ("agency of the government")

Nomination de l'ombudsman

2(1) Sur la recommandation du Comité permanent des privilèges et élections de l'Assemblée, le lieutenant-gouverneur en conseil nomme un ombudsman pour la province du Manitoba. Il doit être citoyen canadien.

Recommendations of committee on privileges and elections.

2(2) Where

(a) the office of Ombudsman is vacant; or

(b) the term of the Ombudsman in office will expire within 12 months; or

(c) the Ombudsman has tendered his resignation to take effect within 12 months;

the President of the Executive Council shall convene a meeting of the Standing Committee of the Assembly on Privileges and Elections which shall consider persons suitable and available to be appointed as Ombudsman and shall make recommendations in respect thereto to the President of the Executive Council.

Meetings of Standing Committee.

2(3) The Standing Committee of the Assembly on Privileges and Elections may, for the purposes of performing its functions under this section, meet during session of the Legislature or during recess after prorogation.

Officer of Legislature.

3(1) The Ombudsman is an officer of the Legislature and is not eligible to be nominated for, elected as, or sit as, a member of the Assembly.

Restrictions on employment.

3(2) The Ombudsman shall not hold any other public office or carry on any trade, business, or profession.

Term of office.

4(1) Unless he sooner resigns, dies or is removed from office, the Ombudsman shall hold office for six years from the date of his appointment, and a person may be re-appointed for a second term of six years, but not for more than two terms of six years.

Resignation.

4(2) The Ombudsman may resign his office in writing addressed to the Speaker of the Assembly, or, if there is no Speaker or the Speaker is absent, to the clerk of the Assembly.

Recommandations

2(2) Le président du Conseil exécutif doit convoquer une réunion du Comité permanent des privilèges et élections de l'Assemblée lorsque se présente l'un des cas suivants :

a) la charge de l'ombudsman est vacante;

b) le mandat de l'ombudsman expire dans les 12 mois;

c) l'ombudsman a donné un préavis de 12 mois de sa démission.

Le Comité doit alors établir une liste des personnes qu'il estime convenables et disponibles pour le poste d'ombudsman; il fait ensuite ses recommandations au président du Conseil exécutif.

Réunions

2(3) Le Comité permanent des privilèges et élections de l'Assemblée peut, pour l'accomplissement des fonctions prévues au présent article, se réunir au cours d'une session de la Législature ou lorsque cette session a été prorogée.

Haut fonctionnaire de la Législature

3(1) L'ombudsman est un haut fonctionnaire de la Législature; il ne peut être nommé ni élu membre de l'Assemblée ni y siéger à ce titre.

Incompatibilité d'emploi

3(2) L'ombudsman ne peut être titulaire d'une autre charge publique, exercer un métier ou une profession ni faire du commerce.

Mandat

4(1) À moins qu'il ne démissionne, ne décède ou qu'il ne soit destitué, l'ombudsman occupe son poste pendant six ans à compter de la date de sa nomination. Son mandat est renouvelable pour six ans mais l'ombudsman ne peut rester en poste plus de 12 années.

Démission

4(2) L'ombudsman peut présenter sa démission en le faisant par écrit auprès de l'orateur de l'Assemblée ou, s'il n'y a pas d'orateur ou en cas d'absence de celui-ci, en la présentant au greffier de l'Assemblée.

Removal or suspension.
5 The Lieutenant Governor in Council, on a resolution of the Assembly carried by a vote of 2/3 of the members of the Assembly voting thereon, may remove the Ombudsman from office or suspend him.

Suspension when Legislature not sitting.
6(1) At any time the Legislature is not in session, the Lieutenant Governor in Council may suspend the Ombudsman for disability, neglect of duty, misconduct or bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

Acting Ombudsman.
6(2) Where the office of the Ombudsman is vacant, or the Ombudsman is suspended under subsection (1), the Lieutenant Governor in Council shall appoint an acting Ombudsman to hold office until another Ombudsman is appointed under section 2 or the suspension has been dealt with in the Assembly.

Salary.
7(1) The Ombudsman shall be paid a salary fixed by the Lieutenant Governor in Council, which shall be charged to and paid out of the Consolidated Fund.

Reduction of salary.
7(2) The salary of the Ombudsman shall not be reduced except on resolution of the Assembly carried by a vote of 2/3 of the members of the Assembly voting thereon.

Expenses.
8 The Ombudsman shall be paid such travelling and out of pocket expenses incurred by him in the performance of his duties as may be approved by the Provincial Auditor.

Application of Civil Service Superannuation Act.
9(1) The Ombudsman, and all persons employed under him, are employees within the meaning of The Civil Service Superannuation Act.

Destitution ou suspension
5 Le lieutenant-gouverneur en conseil, à la suite d'une résolution votée par l'Assemblée aux 2/3 des suffrages exprimés, peut destituer ou suspendre l'ombudsman de ses fonctions.

Suspension en dehors des sessions
6(1) En dehors des sessions de la Législature, le lieutenant-gouverneur en conseil peut suspendre l'ombudsman pour incapacité, pour manquement aux devoirs de sa charge, pour inconduite ou faillite personnelle. Ces faits doivent avoir été prouvés à la satisfaction du lieutenant-gouverneur en conseil. Toutefois, la suspension ne se perpétue pas au delà de la fin de la session suivante.

Intérim
6(2) Lorsque la charge d'ombudsman est vacante ou lorsque l'ombudsman est suspendu en vertu du paragraphe (1), le lieutenant-gouverneur en conseil nomme un ombudsman intérimaire jusqu'à ce que son successeur soit nommé en vertu de l'article 2 ou jusqu'à ce que l'Assemblée ait pris une décision au sujet de la suspension.

Rémunération
7(1) Le lieutenant-gouverneur en conseil fixe la rémunération de l'ombudsman, laquelle est payée sur le Trésor.

Réduction de rémunération
7(2) Seule l'Assemblée peut, par un vote des 2/3 des suffrages exprimés, réduire la rémunération de l'ombudsman.

Frais
8 L'ombudsman a droit au remboursement des frais qu'il fait dans l'exercice de ses fonctions, qu'il s'agisse de frais de déplacement ou de frais divers. Ces frais doivent être approuvés par le vérificateur provincial.

Loi sur la pension de la fonction publique
9(1) L'ombudsman ainsi que les personnes qui travaillent pour lui sont des employés au sens de la Loi sur la pension de la fonction publique.

Application of The Civil Service Act.

9(2) The Ombudsman is not subject to The Civil Service Act except section 44 thereof which applies to him but he is entitled to the privileges and perquisites of office, including holidays, vacations, sick leave and severance pay, of a member of the civil service who is not covered by a collective agreement.

Employees under Ombudsman.

9(3) The Civil Service Act applies to persons employed under the Ombudsman.

Oath of office.

10 Before beginning to perform his duties, the Ombudsman shall take an oath before the Speaker of the Assembly or the Clerk of the Assembly that he will faithfully and impartially perform the duties of his office and that he will not, except as herein provided, divulge any information received by him under this Act.

Oath of staff.

11 Every person employed under the Ombudsman shall, before he begins to perform the duties, take an oath before the Ombudsman that he will not, except as herein provided, divulge any information received by him under this Act.

Secrecy.

12(1) The Ombudsman and every person employed under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their duties or functions under this Act.

Disclosure in reports.

12(2) Notwithstanding subsection (1) or any oath taken under this Act, the Ombudsman may disclose in a report made by him under this Act any matters which he considers necessary to disclose in order to establish grounds for his conclusions and recommendations.

Application de la Loi sur la fonction publique

9(2) L'ombudsman n'est pas soumis à la Loi sur la fonction publique à l'exception de l'article 44 de cette loi. Par contre, il a droit aux privilèges et aux avantages sociaux, y compris les jours fériés, les vacances, les congés de maladie et les indemnités de licenciement, qui sont applicables aux employés de la fonction publique non régis par une convention collective.

Employés de l'ombudsman

9(3) La Loi sur la fonction publique s'applique aux employés de l'ombudsman.

Serment professionnel

10 Avant d'entrer en fonction l'ombudsman doit prêter serment devant l'orateur ou le greffier de l'Assemblée. Il s'engage par ce serment à remplir de bonne foi et en toute impartialité les devoirs de sa charge et à ne pas divulguer les renseignements auxquels il a accès dans le cadre de la présente loi sauf dans les cas qu'elle prévoit.

Assermentation du personnel

11 Les employés de l'ombudsman doivent, avant d'entrer en fonction, prêter serment devant l'ombudsman. Ils s'engagent par ce serment à ne divulguer aucun des renseignements auxquels ils ont accès dans le cadre de la présente loi sauf dans les cas qu'elle prévoit.

Confidentialité

12(1) L'ombudsman et ses employés doivent respecter la nature confidentielle de tout renseignement porté à leur connaissance dans l'exercice des pouvoirs et fonctions que leur assigne la présente loi.

Divulgation dans les rapports

12(2) Malgré le paragraphe (1) et malgré les serments prêtés en vertu de la présente loi, l'ombudsman peut révéler dans un rapport établi en vertu de la présente loi les faits qu'il considère nécessaire de révéler pour fonder ses conclusions et recommandations.

Powers under Part V of The Evidence Act.

13 The Ombudsman has the protection and powers of a commissioner appointed under Part V of The Manitoba Evidence Act; but section 85 of The Manitoba Evidence Act does not apply to the Ombudsman and no notice of appointment, of the purpose and scope of inquiries to be made by the Ombudsman, or of the time and place of the holding of any hearing or inquiry by the Ombudsman, need be published as required under section 86 of The Manitoba Evidence Act.

Delegation.

14(1) The Ombudsman may in writing delegate to any person any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

Evidence of delegation.

14(2) A person purporting to exercise the power of the Ombudsman by virtue of the delegation under subsection (1) shall produce evidence of his authority to exercise that power when required to do so.

Investigations.

15 The Ombudsman may, on a written complaint or on his own initiative, investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration in or by any department or agency of the government, or by any officer, employee or member thereof, whereby any person is or may be aggrieved.

Reference by committees of Assembly.

16(1) A committee of the Assembly may at any time refer to the Ombudsman, for investigation and report by him, any petition or matter that is before that committee for consideration; and the Ombudsman shall

(a) subject to any special directions of the committee, investigate the petition or matter referred to him so far as it is within his jurisdiction; and

(b) make such report to the committee as he thinks fit.

Pouvoirs et protection

13 L'ombudsman jouit de la protection et des pouvoirs accordés à un commissaire nommé en vertu de la partie V de la Loi sur la preuve au Manitoba. Toutefois, l'article 85 de cette loi ne n'applique pas à l'ombudsman. Les avis relatifs à la convocation, à l'objet et à la portée des enquêtes de l'ombudsman ainsi que les avis relatifs aux moments et lieux des audiences et des enquêtes de l'ombudsman n'ont pas à être publiés comme l'exige l'article 86 de la Loi sur la preuve au Manitoba.

Délégation de pouvoir

14(1) L'ombudsman peut par écrit déléguer les pouvoirs que lui confère la présente loi à l'exception du pouvoir de délégation que lui confère le présent article et du pouvoir de faire rapport en application de la présente loi.

Preuve de la délégation de pouvoir

14(2) La personne investie d'un pouvoir délégué de l'ombudsman en vertu du paragraphe (1) doit, lorsqu'on le lui demande, faire la preuve de sa délégation.

Enquêtes

15 L'ombudsman peut, sur plainte écrite ou de sa propre initiative, faire enquête lorsqu'une personne subit un préjudice ou risque de subir un préjudice du fait d'une décision, d'une recommandation, y compris la recommandation faite à un ministre, ou d'un acte relatifs à l'administration gouvernementale, commis ou omis par un ministère ou un organisme gouvernemental, ou par un de leurs cadres, membres ou employés.

Renvoi par les comités de l'Assemblée

16(1) Un comité de l'Assemblée peut à tout moment saisir l'ombudsman d'une question qu'il examine et au sujet de laquelle il demande à l'ombudsman de faire enquête et de lui faire rapport. L'ombudsman doit alors :

a) faire enquête, sous réserve de toute directive spéciale du comité, sur la question qui lui est soumise pour autant qu'elle relève de sa compétence;

b) adresser au comité le rapport qui lui semble approprié.

Reference by Lieutenant Governor in Council.
16(2) The Lieutenant Governor in Council may at any time refer to the Ombudsman, for investigation and report by him, any matter relating to administration in or by any department or agency of the government, or by any officer, employee or member thereof; and the Ombudsman shall,

(a) subject to any special direction of the Lieutenant Governor in Council, investigate the matter referred to him so far as it is within his jurisdiction; and

(b) make such report to the Lieutenant Governor in Council as he thinks fit.

Exercise of powers.
17 The Ombudsman may exercise and perform the powers, duties and functions conferred or imposed on him under this Act notwithstanding any provision of any other Act of the Legislature

(a) that any decision, recommendation, act or omission that he is investigating is final; or

(b) that no appeal lies in respect thereof; or

(c) that no proceeding or decision of the department, agency of the government, officer, employee, or person whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

Restriction on jurisdiction.
18 Nothing in this Act authorizes the Ombudsman to investigate

(a) any decision, recommendation, act, order or omission of the Legislature, the Assembly, the Lieutenant Governor, a committee of the Assembly, the Lieutenant Governor in Council, the Executive Council, or a committee of the Executive Council; or

(b) any order, decision or omission of a court, a judge of a court, a referee or master of a court, a magistrate or a justice of the peace made or given in any action or proceeding in the court, or before the judge, referee, master, magistrate or justice of the peace; or

(c) any award, decision, recommendation or omission of an arbitrator or board of arbitrators in an arbitration to which The Arbitration Act applies; or

Renvoi par le lieutenant-gouverneur en conseil
16(2) Le lieutenant-gouverneur en conseil peut en tout temps saisir l'ombudsman de toute question relative à l'administration gouvernementale, qu'il s'agisse d'un ministère ou d'un organisme gouvernemental, d'un de leurs cadres, employés ou membres et peut lui demander de faire enquête et de lui faire rapport. L'ombudsman doit alors :

a) faire enquête, sous réserve de toute directive spéciale du lieutenant-gouverneur en conseil, sur la question qui lui est soumise pour autant qu'elle relève de sa compétence;

b) adresser au lieutenant-gouverneur en conseil le rapport qui lui semble approprié.

Exercice des pouvoirs
17 L'ombudsman peut exercer les pouvoirs et fonctions que lui confère ou que lui impose la présente loi malgré toute disposition d'une autre loi provinciale qui prévoit que :

a) toute décision, recommandation, action ou omission concernée est définitive;

b) il ne peut y avoir appel dans le cas concerné;

c) il ne peut y avoir opposition, révision, annulation ou remise en question d'une procédure ou d'une décision du ministère, de l'organisme gouvernemental, du cadre, de l'employé ou de la personne dont la décision, la recommandation, l'action ou l'omission est en cause.

Domaine de compétence
18 La présente loi n'autorise pas l'ombudsman à faire enquête sur l'un ou l'autre des actes suivants :

a) les décisions, recommandations, actes, ordres ou omissions de la Législature, de l'Assemblée, du lieutenant-gouverneur, d'un comité de l'Assemblée, du lieutenant-gouverneur en conseil, du Conseil exécutif ou d'un comité du Conseil exécutif;

b) les ordonnances, décisions ou omissions d'un tribubal, d'un juge d'un tribunal, d'un juge des renvois, d'un conseiller maître du tribunal, d'un magistrat ou d'un juge de paix, lors d'une action ou d'une procédure devant le tribunal ou devant le juge, le juge des renvois, le conseiller maître, le magistrat ou le juge de paix;

c) les sentences arbitrales, décisions, recommandutions ou omissions d'un arbitre ou d'un conseil arbitral lors d'un arbitrage soumis à la Loi sur l'arbitrage;

(d) any decision, recommendation, act or omission in respect of which there is, under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or tribunal constituted by or under an Act of the Legislature, whether or not that right of appeal, objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired, unless the Ombudsman is satisfied that in the particular case it would have been unreasonable to expect the complainant to resort to the tribunal or court, but in that case investigation shall not commence until after the time prescribed for the exercise of that right to appeal, object or apply, has expired.

d) les décisions, recommandations, actions ou omissions qui, en vertu d'une disposition législative, sont assorties d'un droit d'appel, d'opposition ou du droit d'exiger une révision au mérite devant un tribunal établi en vertu d'une loi de la Législature, peu importe que ce droit d'appel, d'opposition ou de demande de révision ait été exercé en l'espèce ou qu'il soit prescrit; toutefois, l'ombudsman peut faire enquête s'il estime en l'espèce qu'il n'aurait pas été raisonnable de s'attendre que le plaignant recoure aux tribunaux, auquel cas il ne peut commencer son enquête qu'après l'expiration du délai d'appel, d'opposition ou de demande de révision.

Restriction on investigation by minister.
19(1) Where the Attorney-General certifies in writing to the Ombudsman that the investigation of a matter would be contrary to the public interest under the circumstances, the Ombudsman shall not investigate that matter, or, if he has commenced an investigation of that matter, he shall discontinue the investigation.

Pouvoir du ministre de limiter les enquêtes
19(1) Lorsque le procureur général atteste par écrit à l'ombudsman qu'une enquête pourrait, dans les circonstances, nuire à l'intérêt public, l'ombudsman doit renoncer à enquêter ou, s'il a commencé de le faire, doit cesser.

Report of certificate.
19(2) Where a certificate is given under subsection (1), the Ombudsman shall include that fact and a brief description of the circumstances of the matter in his next annual report to the Assembly.

Publicité de l'attestation
19(2) Lorsque le procureur général fait une attestation en vertu du paragraphe (1), l'ombudsman doit mentionner le fait et décrire brièvement les circonstances de l'espèce dans le premier rapport annuel qu'il adresse par la suite à l'Assemblée.

Questions relating to jurisdiction.
20 Where a question arises as to the jurisdiction of the Ombudsman to investigate any case or class of cases under this Act, he may apply to the Court of Queen's Bench for a declaratory order determining the question.

Détermination de la compétence
20 Lorsqu'il y a doute sur la compétence qu'a l'ombudsman de faire enquête sur une affaire ou dans une catégorie d'affaires en vertu de la présente loi, il peut demander à la Cour du Banc de la Reine une ordonnance déclaratoire à cet égard.

Complaints in writing.
21 Every complaint to the Ombudsman shall be made in writing.

Caractère écrit des plaintes
21 Les plaintes doivent être adressées par écrit à l'ombudsman.

Privacy of communication to Ombudsman.
22 Notwithstanding any Act, where a letter written by a person in custody on a charge or after conviction for an offence, or by an inmate in any hospital, mental hospital, home or institution operated by or under the direction of the government, or by any person in custody of another person for any other reason, is addressed to the

Caractère confidentiel de la correspondance
22 Malgré toute disposition législative, la correspondance écrite adressée à l'ombudsman par une personne incarcérée, qu'elle ait été ou non déjà condamnée, par le patient d'un hôpital, d'un hôpital psychiatrique, d'un foyer ou d'une institution géré par le gouvernement ou selon ses directives, ou encore la correspondance écrite

Ombudsman, it shall be forwarded immediately, unopened, to the Ombudsman by the person for the time being in charge of the place or institution where the writer of the letter is detained or in which he is an inmate, or by the person having custody of the writer.

Refusal to investigate.
23(1) The Ombudsman, in his discretion, may refuse to investigate or may cease to investigate a complaint if

(a) it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than one year before the complaint is received by the Ombudsman; or

(b) in his opinion it is frivolous or vexatious or not made in good faith or concerns a trivial matter; or

(c) in his opinion, upon a balance between the public interest and the person aggrieved, it should not be investigated or the investigation should not be continued; or

(d) in his opinion the circumstances of the case do not require investigation.

Limitation on review of discretionary powers.
23(2) Where, in the course of or after an investigation of any decision, act or omission, done or omitted by a department or agency of the government, or any officer or employee thereof in the exercise of a discretion vested in that department, agency, officer, or employee, the Ombudsman is satisfied that the decision, act or omission is not clearly wrong or unreasonable, the Ombudsman shall make no further investigation of the matter and shall report to the complainant that he is so satisfied.

Report of refusal to investigate.
24 Where the Ombudsman decides not to investigate or to cease investigating a complaint he shall inform the complainant, and any other interested person, of his decision.

Notice of investigation.
25 Before investigating a complaint, the Ombudsman shall inform the deputy minister or the administrative head of the department or agency of the government affected of his intention to make the investigation.

adressée à l'ombudsman par une personne sous la garde d'une autre personne pour toute autre raison doit être acheminée immédiatement à son destinataire, sans être ouverte, par la personne responsable de l'établissement où l'expéditeur de la lettre est détenu ou dans lequel il est interné, ou enfin par la personne qui a la garde de l'expéditeur.

Refus d'enquêter
23(1) L'ombudsman peut, à sa discrétion, refuser d'enquêter ou mettre fin à une enquête relative à une plainte dans les cas suivants :

a) la plainte a trait à une décision, une recommandation, un acte ou une omission dont le plaignant a pris connaissance plus d'un an avant que la plainte ait été reçue par l'ombudsman;

b) l'ombudsman est d'avis que la plainte est frivole, vexatoire, qu'elle n'a pas été faite de bonne foi, ou encore que son objet n'est pas sérieux;

c) l'ombudsman est d'avis que malgré le préjudice causé à la personne, l'intérêt public commande que l'enquête n'ait pas lieu ou encore qu'elle cesse;

d) l'ombudsman est d'avis que les circonstances de l'affaire qui lui est soumise font que l'enquête n'est pas nécessaire.

Limite du pouvoir d'enquêter sur l'exercice du pouvoir discrétionnaire
23(2) Lorsqu'au cours ou au terme d'une enquête sur une décision, sur un acte ou sur une omission d'un ministère, d'un organisme gouvernemental ou d'un de leurs cadres ou employés, survenus dans l'exercice d'un pouvoir discrétionnaire conféré à ces entités ou personnes, l'ombudsman doit renoncer à l'enquête s'il est convaincu que la décision, l'acte ou l'omission n'est pas manifestement erroné ou déraisonnable. Il doit faire part au plaignant de sa décision.

Communication du refus d'enquêter
24 Lorsque l'ombudsman décide de ne pas enquêter ou d'interrompre une enquête sur une plainte, il doit faire part de sa décision au plaignant et à toute personne concernée par l'affaire.

Avis d'enquête
25 Avant de faire enquête pour donner suite à une plainte, l'ombudsman doit faire part de son intention d'enquêter au sous-ministre ou au responsable administratif du ministère ou de l'organisme gouvernemental concerné.

Private investigations.
26 Every investigation by the Ombudsman under this Act shall be conducted in private.

Hearings.
27 The Ombudsman may hold hearings and hear or obtain information from any person and make inquiries as he thinks fit.

Right to be heard.
28 The Ombudsman is not required to hold a hearing and no person is entitled, as of right, to be heard by the Ombudsman; but, if at any time it appears to the Ombudsman that there is sufficient grounds for his making a report or recommendation in respect of any matter that may adversely affect any department, agency of the government, or person, he shall give to that department, agency, or person, an opportunity to make representations in respect of the matter, and the department, agency, or person may make representations in respect of the matter by counsel.

Consultation with minister.
29(1) The Ombudsman may, at any time during or after an investigation, consult any minister who is concerned in the matter of the investigation.

Reference to deputy minister.
29(2) Where, during or after an investigation, the Ombudsman is of the opinion that there is evidence of a breach of duty or misconduct by a department or agency of the government or any officer or employee thereof, he shall refer the matter to the deputy minister or administrative head of the department or agency of the government.

Evidence.
30(1) Subject to section 31, the Ombudsman may require any person who, in his opinion, is able to give any information relating to any matter being investigated by him

(a) to furnish the information to him; and

(b) to produce any document, paper or thing that in his opinion relates to the matter being investigated and that may be in the possession or under the control of that person;

Huis clos
26 Les enquêtes effectuées par l'ombudsman en vertu de la présente loi sont tenues à huis clos.

Audiences
27 L'ombudsman peut, selon ce qu'il estime opportun, tenir des audiences, recevoir ou obtenir des renseignements de toute personne et faire enquête.

Droit d'être entendu
28 L'ombudsman n'est pas obligé de tenir des audiences et personne ne peut exiger d'être reçu en audience par l'ombudsman. Toutefois, si l'ombudsman estime qu'il dispose d'assez d'éléments pour faire un rapport ou une recommandation sur une question qui pourrait nuire à un ministère, à un organisme gouvernemental ou à une personne, il doit donner à ces derniers l'occasion de lui faire des représentations sur l'affaire concernée. Le ministère, l'organisme gouvernemental ou la personne peut alors faire ses représentations par l'intermédiaire d'un avocat.

Consultation du ministre
29(1) L'ombudsman peut, pendant ou après l'enquête, consulter un ministre concerné par l'objet de l'enquête.

Transmission au sous-ministre
29(2) Lorsque pendant ou après une enquête l'ombudsman estime qu'il a la preuve d'un manquement au devoir ou d'une mauvaise conduite d'un ministère, d'un organisme gouvernemental ou encore d'un de leurs cadres ou employés, il doit porter l'affaire à la connaissance du sous-ministre ou du responsable administratif du ministère ou de l'organisme gouvernemental.

Communication de la preuve
30(1) Sous réserve de l'article 31, l'ombudsman peut exiger de toute personne qui, à son avis, est en mesure de fournir un renseignement relatif à une affaire sous enquête :

a) qu'elle lui fournisse le renseignement;

b) qu'elle produise les documents qui, de l'avis de l'ombudsman, sont pertinents à l'objet de l'enquête et qui peuvent se trouver en possession ou sous la maîtrise de cette personne.

whether or not that person is an officer, employee or member of the department or agency of the government and whether or not the document, paper or thing is in the custody or under the control of a department or agency of the government.

Examination on oath.
30(2) The Ombudsman may summon before him and examine on oath

(a) any person who is an officer or employee or member of any department or agency of the government and who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him;

(b) any complainant; and

(c) any other person who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him.

Restrictions on disclosures.
31 Where the Attorney-General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of

(a) the deliberations of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

(b) proceedings of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

(c) matters of a secret or confidential nature, or the disclosure of which would be injurious to the public interest;

the Ombudsman shall not require the information or answer to be given or the document, paper or thing to be produced, but shall report the giving of the certificate and the matter in respect of which it was given in his next annual report to the Assembly.

Application of certain rules.
32(1) Subject to section 31, a rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure or answering would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

L'ombudsman peut utiliser ce pouvoir à l'égard de toute personne, qu'elle soit ou non cadre, employée ou membre de l'organisme gouvernemental ou du ministère et que le document soit ou non en la possession ou sous la maîtrise d'un ministère ou d'un organisme gouvernemental.

Interrogatoire sous serment
30(2) L'ombudsman peut assigner à comparaître et interroger sous serment les personnes suivantes :

a) le cadre, employé ou membre d'un organisme gouvernemental ou d'un ministère qu'il estime en mesure de donner un renseignement pertinent à l'affaire sous enquête;

b) le plaignant;

c) toute autre personne qu'il estime en mesure de donner un renseignement relatif à l'affaire sous enquête.

Restrictions à la communication de renseignements
31 L'ombudsman ne peut exiger d'obtenir des renseignements, des réponses ou des documents lorsque le procureur général certifie que le fait de les fournir pourrait entraîner la divulgation :

a) des délibérations du lieutenant-gouverneur en conseil, du Conseil exécutif ou d'un de ses comités;

b) des travaux du lieutenant-gouverneur en conseil, du Conseil exécutif ou d'un de ses comités;

c) de questions de nature secrète, confidentielle ou dont la divulgation pourrait porter atteinte à l'intérêt public.

Toutefois, il doit faire mention du certificat et de l'affaire à laquelle il se rapporte dans le premier rapport qu'il adresse par la suite à l'Assemblée.

Application de certaines règles
32(1) Sous réserve de l'article 31, une règle de droit autorisant ou exigeant qu'on retienne un document ou qu'on refuse de répondre à une question au motif que la divulgation des renseignements concernés porterait préjudice à l'intérêt public, ne s'applique pas aux procédures se déroulant devant l'ombudsman ni aux enquêtes qu'il effectue.

Provisions relating to secrecy.
32(2) Subject to section 31, no provision of any Act of the Legislature requiring a person to maintain secrecy in relation to, or not to disclose information relating to, any matter shall apply in respect of an investigation by the Ombudsman; and no person required by the Ombudsman to furnish information or to produce any document, paper or thing or summoned by the Ombudsman to give evidence, shall refuse to furnish the information, produce the document, paper or thing, or to answer questions on the ground of any such provision.

Admissibility of evidence.
33 Except on the trial of a person for perjury, no statement made, or answer or evidence given by that or any other person in the course of an investigation by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence respecting proceedings before the Ombudsman shall be given against any person.

Defence for certain offences.
34 No person is guilty of an offence against any other Act of the Legislature by reason of his compliance with any request or requirement of the Ombudsman to furnish information or produce any document, paper or thing, or by reason of answering any question in any investigation of the Ombudsman.

Right of entry.
35(1) For the purposes of this Act, the Ombudsman may at any time enter upon the premises occupied by any department or agency of the government and, subject to section 31, carry out therein any investigation within his jurisdiction.

Notice of entry.
35(2) Upon entering any premises under subsection (1), the Ombudsman shall notify the deputy minister or administrative head of the department or agency of the government that occupies the premises.

Dispositions relatives au secret
32(2) Sous réserve de l'article 31, les dispositions des lois de la Législature qui exigent le maintien du secret ou la rétention de renseignements ne s'appliquent pas aux enquêtes effectuées par l'ombudsman. Aucune personne ne peut invoquer ces dispositions pour refuser de fournir à l'ombudsman les renseignements ou les documents que celui-ci exige, ou encore pour refuser de répondre ou de fournir des éléments de preuve lorsqu'elle est assignée à témoigner par l'ombudsman.

Inadmissibilité de la preuve
33 Sauf dans les procès pour parjure, les déclarations, les réponses ou la preuve fournies par une personne au cours d'une enquête effectuée par l'ombudsman ou au cours d'une procédure devant ce dernier sont inadmissibles en preuve devant un tribunal ou au cours d'une enquête ou de toute autre procédure, et la preuve relative aux procédures devant l'ombudsman ne peut servir contre quiconque.

Défense pour certaines infractions
34 Nul n'est coupable d'une infraction à une autre loi de la Législature du fait d'avoir obtempéré à une demande de communication de renseignements ou de production de documents faite par l'ombudsman ou du fait d'avoir répondu à une question au cours d'une enquête de l'ombudsman.

Droit d'accès
35(1) Aux fins de la présente loi, l'ombudsman peut à tout moment accéder aux lieux qu'occupe un ministère ou un organisme gouvernemental pour y mener, sous réserve de l'artice 31, une enquête relevant de sa compétence.

Avis de visite
35(2) En accédant aux lieux visés au paragraphe (1), l'ombudsman doit aviser de sa visite le sous-ministre ou le responsable administratif du ministère ou de l'organisme gouvernemental qui occupe ces lieux.

Report on investigation.

36(1) Where, after making an investigation under this Act, the Ombudsman is of opinion

(a) that a decision, recommendation, act or omission that is the subject matter of the investigation appears to have been

(i) contrary to law, or

(ii) unreasonable, or

(iii) unjust, or

(iv) oppressive, or

(v) improperly discriminatory, or

(vi) in accordance with a practice or procedure that is or may be unreasonable, unjust, oppressive, or improperly discriminatory, or

(vii) based wholly or partly on a mistake of law or fact, or

(viii) wrong; or

(b) that in making a decision or recommendation, or in doing or omitting an act, a power or right has been exercised

(i) for an improper purpose, or

(ii) on irrelevant grounds, or

(iii) on the taking into account of irrelevant considerations; or

(c) that reasons should have been given for a decision, recommendation, act or omission that was the subject matter of the investigation;

the Ombudsman shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency of the government concerned, and may make such recommendations as he thinks fit.

Nature of recommendations.

36(2) Without limiting the generality of subsection (1), in making a report under subsection (1), the Ombudsman may recommend

(a) that a matter should be referred to the appropriate authority for further consideration; or

(b) that an omission should be rectified; or

(c) that a decision should be cancelled or varied; or

Rapport d'enquête

36(1) Au terme d'une enquête menée en vertu de la présente loi, l'ombudsman doit faire rapport de ses conclusions et de ses motifs au ministre et au ministère ou organisme gouvernemental concerné et peut faire les recommandations qu'il juge appropriées, si au cours de son enquête il constate l'un ou l'autre des faits suivants :

a) la décision, la recommandation, l'acte ou l'omission qui fait l'objet de l'enquête semble, selon le cas :

(i) être contraire à la loi,

(ii) être déraisonnable,

(iii) être injuste,

(iv) être de nature oppressive,

(v) être indûment discriminatoire,

(vi) résulter d'un usage ou d'un procédé qui est ou pourrait être déraisonnable, injuste, de nature oppressive ou indûment discriminatoire,

(vii) être fondé en tout ou partie sur une erreur de droit ou de fait,

(viii) être erroné;

b) lors de la prise de décision, de la formulation d'une recommandation ou lors de l'accomplissement ou de l'omission d'un acte, un pouvoir ou un droit a été exercé dans l'une ou l'autre des circonstances suivantes :

(i) le but poursuivi était inapproprié,

(ii) l'exercice du pouvoir ou du droit n'avait pas de fondement pertinent,

(iii) l'exercice du pouvoir ou du droit s'est fait compte tenu de considérations non pertinentes;

c) la décision, la recommandation, l'acte ou l'omission qui fait objet de l'enquête aurait dû être motivé.

Nature des recommandations

36(2) Sans préjudice de la généralité du paragraphe (1), dans le rapport prévu au même paragraphe, l'ombudsman peut faire des recommandations ayant les objets suivants :

a) une question devrait être transmise à l'autorité compétente pour qu'elle effectue un examen plus approfondi de cette question;

b) une omission devrait être réparée;

c) une décision devrait être annulée ou modifiée;

(d) that any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or
(e) that any law on which a decision, recommendation, act or omission was based should be reconsidered; or
(f) that reasons should be given for any decision, recommendation, act or omission; or
(g) that any other steps should be taken.

Notice of proposed steps.
37(1) Where the Ombudsman makes a recommendation under section 36, he may request the department or agency of the government to notify him within a specified time of the steps that it has taken or proposes to take to give effect to his recommendations.

Further report on recommendations.
37(2) If within a reasonable time after a request respecting recommendations is made under this section, no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of the department or agency of the government affected, may report the matter, including a copy of the report containing the recommendations, to the Lieutenant Governor in Council, and may thereafter mention the report in his next annual report to the Assembly.

Comments included in report.
37(3) Any report made under subsection (2) shall include any comments made by or on behalf of the department or agency of the government upon the opinion or recommendation of the Ombudsman.

Report to complainant.
38 Where the Ombudsman makes an investigation on the basis of a complaint received by him, he shall report to the complainant, in such manner and at such time as he thinks proper, the result of the investigation.

d) l'usage qui aboutit à une décision, une recommandation, un acte ou une omission devrait être modifié ou réformé;
e) une loi sur laquelle se fonde une décision, une recommandation, un acte ou une omission devrait être réexaminée;
f) une décision, une recommandation, un acte ou une omission devrait être motivé;
g) toute autre mesure devrait être prise.

Rapport relatif aux mesures prises
37(1) Lorsqu'il a fait une recommandation en vertu de l'article 36, l'ombudsman peut exiger du ministère ou de l'organisme gouvernemental concerné qu'il lui fasse rapport dans un délai donné des mesures qu'il a prises ou qu'il se propose de prendre pour donner suite à la recommandation.

Rapport à une instance supérieure
37(2) Si dans un délai raisonnable après la demande formulée en vertu du paragraphe (1) par l'ombudsman, ce dernier estime qu'aucune mesure adéquate n'a été prise, il peut, à sa discrétion et après avoir pris en considération les éventuels commentaires présentés en leur nom par le ministère ou l'organisme gouvernemental concerné, faire rapport de l'affaire au lieutenant-gouverneur en conseil en lui adressant également une copie du rapport contenant les recommandations. L'ombudsman peut en outre faire mention de ce rapport dans le premier rapport annuel qu'il présente par la suite à l'Assemblée.

Commentaires apparaissant au rapport
37(3) Le rapport établi en vertu du paragraphe (2) doit contenir les commentaires faits par le ministère ou l'organisme gouvernemental, ou faits en leur nom sur l'opinion ou les recommandations de l'ombudsman.

Rapport au plaignant
38 Lorsque l'ombudsman fait enquête à partir d'une plainte qui lui a été adressée, il doit faire rapport au plaignant des résultats de l'enquête, de la manière et dans les délais qu'il juge appropriés.

Review of Ombudsman's decision.
39 No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman shall be challenged, reviewed, quashed or called in question in any court.

Proceedings against Ombudsman prohibited.
40 No proceedings lie against the Ombudsman or against any person employed under him for anything he may do or report or say in the course of the exercise or performance, or intended exercise or performance of his functions and duties under this Act, unless it is shown he acted in bad faith.

Ombudsman not to be called as witness.
41 The Ombudsman and any person employed under him shall not be called to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise or performance of his functions and duties under this Act.

Annual report to Legislature.
42 The Ombudsman shall report annually to the Assembly through the Speaker on the exercise and performance of his functions and duties under this Act.

Publication of reports.
43 In the public interest, or in the interest of a person, department or agency of the government, the Ombudsman may publish reports relating generally to the exercise and performance of his functions and duties under this Act or to any particular case investigated by him, whether or not the matters to be dealt with in the report have been the subject of the report made to the Assembly under this Act.

Rules.
44(1) The Assembly may make general rules for the guidance of the Ombudsman in the exercise and performance of his functions and duties under this Act.

Procedure of Ombudsman.
44(2) Subject to this Act and any rules made under subsection (1), the Ombudsman may determine his procedure.

Appel des décisions de l'ombudsman
39 Aucune procédure de l'ombudsman n'est nulle pour vice de forme et, sauf dans les cas d'absence de compétence, les procédures ou décisions de l'ombudsman ne peuvent être contestées, révisées, annulées ou remises en question devant un tribunal.

Immunité de l'ombudsman
40 Ni l'ombudsman ni ses employés ne peuvent être poursuivis en raison des actes accomplis, rapports établis ou paroles prononcées dans l'exercice effectif ou censé tel des fonctions qui leur sont conférées en vertu de la présente loi, à moins qu'on ne prouve qu'ils ont agi de mauvaise foi.

Contraignabilité de l'ombudsman
41 Ni l'ombudsman ni ses employés ne peuvent être appelés à témoigner devant un tribunal ou lors d'une procédure de nature judiciaire relativement à des faits portés à leur connaissance dans le cadre de l'exercice des fonctions qui leur sont conférées en vertu de la présente loi.

Rapport annuel à la Législature
42 L'ombudsman doit faire rapport chaque année à l'Assemblée, par l'intermédiaire de l'orateur, de l'exercice des fonctions qui lui sont conférées en vertu de la présente loi.

Publication des rapports
43 Lorsqu'il s'agit de l'intérêt public ou de l'intérêt d'une personne, d'un ministère ou d'un organisme gouvernemental, l'ombudsman peut publier des rapports concernant, en général, l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ou relatifs à un cas particulier sur lequel il a fait enquête, que les affaires en question aient été ou non mentionnées dans le rapport fait à l'Assemblée en vertu de la présente loi.

Règles
44(1) L'Assemblée peut établir des règles générales de nature à guider l'ombudsman dans l'exercice des fonctions qui lui sont conférées en vertu de la présente loi.

Procédure devant l'ombudsman
44(2) Sous réserve des autres dispositions de la présente loi et des règles établies en vertu du paragraphe (1), l'ombudsman peut établir les procédures relatives à l'exercice de ses fonctions.

Offence and penalty.

45 Every person who

(a) without lawful justification or excuse wilfully obstructs, hinders, or resists the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act; or

(b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or

(c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act;

is guilty of an offence and liable, on summary conviction, to a fine of not more than $500. or to imprisonment for a term not exceeding three months, or to both.

Additional remedies.

46 The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Infractions et peines

45 Commet une infraction et se rend passible, sur déclaration sommaire de culpabilité, d'une amende maximale de 500 $ et d'un emprisonnement maximal de trois mois, ou de l'une de ces peines, quiconque :

a) volontairement et sans justification ni excuse légitime gêne, oppose une résistance ou fait obstruction à l'exercice des fonctions que la présente loi confère à l'ombudsman ou à toute autre personne;

b) sans justification ni excuse légitime refuse ou omet volontairement d'obéir à une exigence licite de l'ombudsman ou d'une autre personne dans le cadre de la présente loi;

c) fait volontairement de fausses déclarations pour induire en erreur ou tenter d'induire en erreur l'ombudsman ou toute autre personne dans l'exercice des fonctions que la présente loi lui confère.

Recours supplémentaires

46 Les dispositions de la présente loi complètent les dispositions de toute autre loi ou règle de droit qui prévoit un recours, un droit d'appel ou d'objection ou encore une procédure de recherche ou d'enquête sur quelque sujet que ce soit. La présente loi n'a pas pour effet de limiter ou de porter atteinte à ces recours, droits d'appel ou d'objection et autres procédures.

THE OMBUDSMAN - AN EFFECTIVE RECOURSE FOR CITIZENS?

A Paper Presented

to

The 1989 Canadian Ombudsman Conference

by

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The Ombudsman - An Effective Recourse for Citizens?

Firstly, I extend my appreciation to the Quebec Ombudsman and his staff for planning and hosting this 1989 Canadian Ombudsman Conference. The focus of this conference has been upon the citizens of our country and how we, as Ombudsmen and staff of Ombudsman Offices, can better serve those citizens who require assistance to work through problems with which they may be confronted - particularly problems involving government departments and agencies.

It is painfully true that with each decade that passes, society is becoming more and more complex and the systems and bureaucratic structures that govern our societies reach deeper and deeper into the everyday lives of our citizens to the point that we must often ask ourselves the very question that has become the slogan of this conference "And what about people?" What indeed about people? What recourse does the average citizen have when the weight of bureaucracy bears down heavily upon his/her shoulders creating an oppressive burden forcing one to one's knees, stifling vim and vitality as one becomes increasingly and hopelessly entangled in endless red tape that seems to cut off the breath of life. As individual citizens are choking to death by red tape, and drowning in the sea of bureaucracy what about the Ombudsman? Is the Ombudsman an effective recourse for these citizens or does he/she simply present another obstacle, another hurdle for the already weary and oppressed citizen to overcome?

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This session of our conference is to examine and hopefully answer the question of whether the Ombudsman is <u>still</u> an effective recourse for citizens, and note that when we include the word "still" in this question we are suggesting that the Ombudsman has in the past been an effective recourse for citizens - a suggestion with which I am sure most if not all of us (particularly we Ombudsman) will agree. However the task for us today is not to dwell upon nor even debate our effectiveness in the past, but rather to look realistically at the present and determine whether in this new and increasingly complex age of bureaucracy with Big Brother and Big Sister watching us, to determine whether the Ombudsman really is an effective recourse for citizens.

To properly address the question of the effectiveness of an Ombudsman, one must first of all look at what is an Ombudsman. The word Ombudsman, as all or most of us here will know, is a Swedish word which had its origin in the Swedish constitution of 1809. However, as many will also know the term Ombudsman has found its way to all corners of the world and has been and still is used in many different contexts by many people, all of whom feel they are performing an Ombudsman's function. However, when addressing this topic today, I will be focusing my attention upon what we commonly refer to as the classical or legislative Ombudsman, i.e. an Ombudsman appointed in

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accordance with a statute enacted by a government at a federal, provincial, or state level. The legislative Ombudsman is accountable to the legislative body that appointed him/her and is not subject to control or interference in the performance of his/her mandate, which basically is to investigate complaints against government departments and agencies and to make findings and recommendations with respect to those complaints. Legislative Ombudsmen may report their findings and recommendations to complainants, respondents, the appointing legislative body, and the public if necessary. Usually a legislative Ombudsman has security of tenure for a term of years.

To explore whether the Ombudsman is still an effective recourse for citizens one must first of all look at the scope of jurisdiction which an Ombudsman has. In other words, with what kinds of problems can an Ombudsman be of assistance to members of the public? I have already indicated that this is an extremely complicated society in which we live today, and that people are quite often confronted with many problems as they pursue their daily tasks of making a living for themselves and their families. What recourse, if any, can an Ombudsman provide to citizens faced with such problems?

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Firstly, it should be understood that an Ombudsman's jurisdiction, i.e his range of authority, is limited to that conferred upon him by the statute or law establishing the Ombudsman and his/her office. This jurisdiction may vary somewhat from state to state, province to province, and country to country. However, generally speaking Ombudsman Acts give Ombudsmen the power to assist people with problems involving government departments and agencies, either municipal, provincial or state or federal. Some legislation will give Ombudsmen jurisdiction over more than one level of government while other legislation restricts Ombudsman activity to one level of government only. However most legislation excludes Ombudsmen from investigating private disputes or problems that do not involve government departments or agencies, decisions of the courts, private business and industry, professional associations, and decisions of cabinets and legislatures. Even this jurisdictional restriction may vary somewhat as we move from one province, state or country to another.

In any event, I believe it is suffice to say for the purpose of this discussion that the focus of an Ombudsman's jurisdiction is upon problems involving government departments and agencies. Hence, if the Ombudsman is to be an effective recourse for citizens it would be primarily in the area of assisting to resolve issues between the state and citizens. While it is

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true that Ombudsman's offices can, and quite often do, assist people informally with other problems by way of providing information and making referrals such assistance is what one might call an extracurricular activity, and while it may constitute an integral and necessary part of the operation of an Ombudsman office, it none the less in most cases remains outside the strict mandate set forth by the legislation governing Ombudsman offices.

After having looked at what jurisdiction an Ombudsman has to help people, one must (if we are to pursue the question of the effectiveness of the Ombudsman as a recourse for citizens) now turn attention to a very important factor and that is the accessibility of an Ombudsman. In reality, it does not really matter what jurisdiction an Ombudsman has if he/she or his/her office is not available or accessible to citizens. How accessible is the Ombudsman to citizens? This question must be examined very closely and with a great degree of honesty because the answer to this question will in a large part determine whether the Ombudsman is still an effective recourse for citizens. I will not attempt to answer this question here for any office other than my own, for I am sure that each Ombudsman knows that answer as it applies to his/her office. In the Province of Manitoba I believe the Office of the Ombudsman is well known by the public and that citizens have accessibility to the office. We firmly

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believe in the principle of accessibility and we are continuing to do what we can to make the services of the Ombudsman known and available to the public. (e.g. Annual Reports, brochures, open line programs, public speaking engagements and appearances, posters in institutions, seminars and instruction classes re: role of Ombudsman given to correctional officer trainees and others, etc).

As well as imparting knowledge about the Ombudsman, and as well as the general principle of availability of Ombudsman services one must also give some consideration to the practical and tactical aspects of accessibility such as: Office location; accessibility for those in wheelchairs; accessibility for those with hearing or visual impairment; accessibility for those in remote areas; and so forth. All of these and many other things must be taken into consideration when considering whether the Ombudsman is still an effective recourse for citizens.

Once we have dealt with the Jurisdiction and accessibility of the Ombudsman we must then turn our attention to the powers of the Ombudsman. Even if an Ombudsman has jurisdiction over problems involving government departments and agencies, and even if an Ombudsman is accessible to citizens, he/she cannot be an effective recourse unless he/she has some powers to enable

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him/her to give effect to the mandate bestowed upon the Ombudsman by the legislation establishing the office. What then are the powers of an Ombudsman?

Although the powers of an Ombudsman may vary somewhat from jurisdiction to jurisdiction, generally speaking legislative or classical Ombudsmen have four basic powers, namely: investigating, reporting, recommending, and publicizing.

Investigating: The power of investigating is perhaps the greatest and most essential power an Ombudsman has. The very wide sweeping power of investigation, sanctioned by law, is perhaps what most distinguishes legislative Ombudsmen from other types of Ombudsmen. The Legislative Ombudsman is usually empowered by legislation with the authority to conduct, if necessary, very formal investigations aimed at obtaining any and all relevant information concerning the matter under review. In this regard the Ombudsman and his staff have at their disposal the authority, not even held by a member of the legislature or member of parliament, to have access to confidential government files and any other information that pertains to the problem. As well, most Ombudsmen have the power to hold

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formal hearings and hear or obtain information from any person and make any inquiries he feels necessary. The Ombudsman may require any person to furnish information and produce documents relating to any matter being investigated. It is important to understand that this power extends even to those persons who are not officers, members or employees of a department or agency of the government, and this power also applies to documents which may not be in the custody or under the control of a department or agency of the government. The Ombudsman may also summon before him and examine on oath any person who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him/her, regardless of whether the person is a complainant, government employee or otherwise.

In Manitoba, in addition to the powers of investigation mentioned above, which are spelled out in The Ombudsman Act, the Ombudsman also has the protection and powers of a commissioner appointed under Part V of The Manitoba Evidence Act. The Ombudsman's formal powers of investigation are amplified under The Manitoba Evidence Act to include entering upon, viewing or inspecting any land, building, works or property and if necessary at any time by day or night. The Manitoba Evidence Act also strengthens the

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Ombudsman's powers re: summoning and examining on oath because the powers conferred on the Ombudsman under The Manitoba Evidence Act enables the Ombudsman to issue a warrant in cases where a witness summoned to appear before the Ombudsman neglects or refuses to appear, or in cases where the Ombudsman is satisfied by evidence upon oath that it is probable that a witness will not attend to give evidence without being compelled to do so. In the latter case the Ombudsman may in the first instance instead of issuing a summons issue a warrant to bring and have the witness before him at the time and place mentioned in the warrant. The Manitoba Evidence Act also empowers the Ombudsman with the authority to commit an individual to jail for refusal to be examined on oath (or affirmation) or for refusal to take an oath (or affirmation) or after having taken the oath for refusal to answer questions without lawful excuse.

There is also under The Ombudsman Act an offence and penalty provision to deal with situations where a person who without lawful justification or excuse: hinders or resists the Ombudsman in the performance of his functions; refuses or wilfully fails to comply with any lawful requirement of the Ombudsman; or wilfully makes any false statement to the Ombudsman or misleads or attempts to mislead the Ombudsman. Finally to further illustrate the extent of investigatory power available to the Ombudsman in

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Manitoba, the Ombudsman as a commissioner under The Manitoba Evidence Act during an inquiry is entitled to command the service of one or more police officers or constables to maintain order and put down breaches of the peace, or for the service of any summons or the execution of warrants issued by the Ombudsman. If no police officers are available the Ombudsman may appoint and swear in special constables for that purpose.

Although there is probably much more I could say with respect to the Investigatory powers of the Ombudsman, I believe that I have said enough to illustrate the wide sweeping formal powers available to the Ombudsman for purposes of investigation. In Manitoba the Ombudsman seldom, if ever, has to resort to the full extent of these formal powers. Most cases are resolved through a less formal process of investigation, involving an understanding of the Ombudsman's function and a willingness by departments and agencies to cooperate and assist in the resolution of problems.

Reporting: Another significant power of the Ombudsman is the power of reporting. Most Ombudsmen are empowered by their legislation to make reports, and while Ombudsmen may delegate to others any of their powers, the power to make a report under The Ombudsman Act is reserved for the Ombudsman and cannot be delegated (at least not in the Province of

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Manitoba). I think that this principle recognizes the significance of an Ombudsman's report, in that it must truly be a report of the Ombudsman and not a report from someone else on behalf of the Ombudsman. The cloak of responsibility falls squarely on the shoulders of the Ombudsman when it comes to reporting formally on a matter that has been investigated. Because of the weight attached to an Ombudsman's report there is a provision in The Ombudsman Act that guarantees to individuals a right to be heard if at any time it appears to the Ombudsman that there is sufficient grounds for his making a report that may adversely affect any department, agency of government, or person. In such a case when a department, agency of government, or person is given an opportunity to make presentation before the Ombudsman, the party involved may make representation by counsel.

Also, because of the potential impact of an Ombudsman's report there is a specific provision in the Manitoba Ombudsman Act specifying that the Ombudsman may at any time during or after an investigation consult any Minister who is concerned in the matter of the investigation.

There are several sections of The Ombudsman Act of Manitoba which deal with the many facets of reporting by the Ombudsman: the reporting on

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investigations and recommendations; the further reporting, on investigations and recommendations, to Lieutenant Governor in Council and the Legislative Assembly; the reporting on refusal to investigate; the reporting on the issuance of a certificate by the Attorney-General to the Ombudsman indicating that the investigation of a matter would be contrary to the public interest; the reporting on petitions or matters referred to the Ombudsman by the legislative assembly; the reporting on matters of administration referred to the Ombudsman by Lieutenant Governor in Council; the reporting to complainants; the Ombudsman's annul report; and of course, last but not least the publication of reports. With respect to the publication of reports the Manitoba Ombudsman Act allows that "in the public interest, or in the interest of a person, department or agency of the government, the Ombudsman may publish reports relating generally to the exercise and performance of his functions and duties under this Act or to any particular case investigated by him, whether or not the matters to be dealt with in the report have been the subject of the report made to the assembly under this Act." This power of issuing public reports and thereby gaining public support and sanction for Ombudsman work is a power which most Ombudsmen have available to them and is a power which we value greatly and utilize with great respect for it can be a very, very powerful and effective tool to be used in assisting citizens to obtain administrative justice.

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Some important points to note with respect to Ombudsman reports are:

1) The Ombudsman ultimately is responsible for any report made under The Ombudsman Act.

2) The form, content and timing of an Ombudsman's report is generally at the discretion of the Ombudsman, although the timing of a report in cases referred by a committee of the assembly or by the Lieutenant Governor in Council could be determined by any special directions of the committee or the Lieutenant Governor in Council.

3) Any report to Lieutenant Governor in Council or to the Legislative Assembly respecting recommendations made under The Ombudsman Act shall include the department's or agency's comments concerning the opinion or recommendation of the Ombudsman.

4) Despite the provision of the Ombudsman Act requiring the Ombudsman and his/her staff to maintain secrecy, the Ombudsman may none the less disclose in a report made by him/her any matters he/she considers necessary to disclose in order to establish grounds for his/her conclusions and recommendations.

In summary then the, we can see that the power of reporting is a very useful and important power of the Ombudsman.

Recommending: The third power of the Ombudsman, the power of recommending is the one that perhaps draws most criticism from the public, particularly those members of the public who feel that Ombudsmen should have more power. Quite often Ombudsmen will receive from complainants the expectation that the Ombudsman can order a government department or agency to correct a problem, or rectify an injustice. This expectation is as far from the truth as Newfoundland is from British Columbia. In fact Ombudsmen have no authority, upon the conclusion of an investigation, to order anything. The Ombudsman recommends, and recommends only. The making of orders to resolve problems falls within the realm of the courts.

Despite the fact that Ombudsmen do not have authority to order solutions to problems, the Ombudsman is not a "toothless tiger" as some may wish to describe him/her. The Ombudsman's teeth remain intact, and they are still capable, even in todays society, of gnawing away the red tape of bureaucracy that often binds the hands and feet of citizens rendering them immobile. The Ombudsman's power of recommendation can often bring mobility to citizens. While a recommendation, may not on the surface appear to the uninitiated to be as powerful as an order, I believe that overall, given the structure of our democratic society and given the mandate of the Ombudsman and the relationship of the Ombudsman's role to that of the politician - I believe that the power of recommendation is a much more practical, workable, responsible and effective power than the power of ordering. I believe it would be inappropriate and would defeat the intent of the legislative Ombudsman concept to give to the Ombudsman, an unelected official, the power to order the affairs of government departments and agencies responsible to elected officials. The onus for governing and the responsibility for government departments and agencies must remain with those officials whom we elect to represent us. While the Ombudsman may have a distinct mandate to help keep government administration on the rails, so to speak, none the less the ultimate responsibility for government administration rests with our elected representatives, by whom the Ombudsman himself/herself is commissioned and from whom he/she receives the mandate of investigating complaints.

Some important feature of Ombudsman recommendations are:

1. An Ombudsman's recommendation is based upon a thorough investigation of a complaint including the examination of all relevant information, policies, procedures and laws.

2. Among other things an Ombudsman may recommend that:

   (a) a matter should be referred to the appropriate authority for further consideration; or
   (b) an omission should be rectified; or
   (c) a decision should be cancelled or varied; or
   (d) any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or
   (e) any law on which a decision, recommendation, act or omission was based should be reconsidered; or
   (f) reasons should be given for any decision, recommendation, act or omissions.

As well the Ombudsman may recommend any other steps that he/she feels should be taken.

3) From number one and two above it can be seen that the Ombudsman as a recourse for citizens, has a great deal of discretion regarding the recommendation he/she may make and can deal not only with specific individual complaints but also with general systemic issues centering around practices, policies, and laws. Thus the Ombudsman's power of recommendation can to some degree provide a venue for advocacy and social reform.

4) Since it is up to the department or agency head to decide whether to accept or reject an Ombudsman's recommendation, this in fact puts the onus where it properly belongs i.e. with the elected officials.

5) The Ombudsman's recommendations will be only as good as his/her power of persuasion and the thoroughness and soundness of the investigation.

6) The Ombudsman's recommendations and the department's or agency's response can usually in most jurisdictions be reported, if necessary, beyond the department or agency to Cabinet and to the Legislature and ultimately publicly thereby giving them the broadest possible exposure.

The power of recommending, as can be noted from the points above is a power which lends greatly to the effectiveness of Ombudsmen in today's society.

Publicizing: With respect to the Ombudsman's power of publicizing, I have already touched upon this briefly when discussing the Ombudsman's power of reporting and in particular the power to make a public report. Therefore, I will not repeat what I said earlier except to emphasize that the giving

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of publicity to the Ombudsman function whether it be by way of a written public report or mass media coverage is a most valuable and effective power available to most Ombudsmen. This power, properly utilized, greatly enhances the potential of the Ombudsman to be an effective recourse for citizens. Although the power to choose whether an issue being investigated becomes public or not, is sometimes usurped by complainants, the media, social advocates, politicians or others who may have some knowledge of, or interest in, the matter, the fact remains that the Ombudsman's discretion must come into play when deciding whether he/she is going to utilize the Ombudsman's power of publicizing and release any information on the issue. The Ombudsman must constantly balance the interest of the individual, the government department or agency, and the public as he decides whether to employ his power of publicizing as a means of achieving the goal of fulfilling his/her mandate under The Ombudsman Act.

From a review of the powers available to Ombudsmen it can be noted that the underlying theme common to all the powers (investigating, reporting, recommending and publicizing) is discretion. The Ombudsman must employ a grat deal of discretion in the utilization of all these powers. Because the Ombudsman must use so much discretion it stands to reason that he/she should be a very discreet person in the best sense of the word. In other

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words, Ombudsmen must be cautious, but not overly cautious; wise or prudent but not arrogant or self-centered; sensible showing sound judgement and capable of seeing errors and correcting them even in their own operation.

Having briefly reviewed the powers available to Ombudsmen, as we further pursue the question of whether the Ombudsman is still an effective recourse for citizens we must now ask ourselves whether Ombudsmen in fact utilize the powers available to them. It is one thing to have these powers but if we do not use them can we truly be effective in the performance of our duties. This general question of whether Ombudsmen employ the powers available to them obviously cannot be answered definitively by me in this paper, because the actual use of powers available will obviously vary from jurisdiction to jurisdiction, depending of course on many factors such as: the need to use a given power; the expectations placed upon our offices by the various publics they serve; the style of the particular Ombudsman heading the office; the resources, financial and otherwise available to Ombudsmen; the kinds of problems brought to the attention of Ombudsmen; the response to the office by officials; and so forth. Obviously what works in one jurisdiction may not work or even be necessary in another. It is evident that each jurisdiction must decide for itself whether it is getting maximum mileage out of the powers available to the Ombudsman, and hence whether the effectiveness of the Ombudsman as a citizen's recourse is being maximized or minimized by the use made of the Ombudsman's powers.

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There is one important factor which will determine for any jurisdiction whether the Ombudsman will continue to be an effective recourse for citizens and that is the integrity and the apparent integrity of the Ombudsman himself/herself. One of the basic tenets of the Ombudsman concept is the independence of the Ombudsman. The Ombudsman must be an independent, impartial, objective and politically non-partisan investigator of complaints who is not only actually free from interference in the performance of his function but is also perceived of as being free from interference. In other words an Ombudsman must not only be independent but must also be seen as independent. Justice must not only be done but must also appear to be done.

The independence and impartiality of Ombudsmen may be assured in many different ways and this of course varies from jurisdiction to jurisdiction, with some jurisdictions having very good methods of assuring (as much as one can assure) independence and the appearance of independence, while others have practically no means at all of giving such an assurance. In Manitoba the independence and neutrality of the Ombudsman is enhanced by a number of factors, these being;

a) an open national competition for the job when the Ombudsman position becomes vacant;

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b) the method of appointment of the Ombudsman, i.e. on the recommendation of an all party committee of the legislature namely the Standing Committee of the Assembly on Privileges and Elections;

c) the length of tenure given to the Ombudsman's term of office in that the Ombudsman is appointed for a six year term and may be re-appointed for a second six year term;

d) the Ombudsman shall not hold any other public office or carry on any trade, business, or profession;

e) the Ombudsman is an officer of the Legislature and is not eligible to be nominated for, elected as or sit as, a member of the assembly;

f) the Ombudsman cannot be removed or suspended except on a resolution of the assembly carried by a vote of two-thirds of the members of the assembly voting thereon. If the Legislature is not in session, the Lieutenant Governor in Council may suspend the Ombudsman for disability, neglect of duty, misconduct or bankruptcy but the suspension shall not continue in force beyond the end of the next ensuing session of the Legislature. In other words any suspension of the Ombudsman must ultimately be dealt with by the Legislature;

g) the Ombudsman reports annually to the Legislature through the Speaker;

h) the Ombudsman is not a civil servant;

i) the salary of the Ombudsman shall not be reduced except on resolution of the assembly carried by a vote of two-thirds of the members of the assembly voting thereon;

j) subject to the Ombudsman Act and any rules made under the Act, the Ombudsman may determine his procedure. Any rules made under the Act would be made by the legislative assembly of which the Ombudsman is an officer; and

k) the Ombudsman's budgetary and staff needs are presented to, and worked out with an all party committee of the assembly called the Legislative Assembly Management Commission.

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As I have indicated the various safeguards of the independence of the Ombudsman will, of course, vary from jurisdiction to jurisdiction and I believe even more important than the safeguards which may be in place is the actual character, integrity and honesty of the Ombudsman himself or herself. It may be quite true that an Ombudsman may be appointed under an almost perfect appointment system and he/she can still have credibility problems if he or she is not of upstanding character with the appropriate personality for the job. Likewise, you may have someone appointed in a jurisdiction where the method of appointment and selection leave much to be desired, and yet the individual, if possessed with honesty, integrity, upright character, may overcome the adversities created by the apparently politically biased or otherwise unfavorable appointment methods, although it will certainly be an uphill battle. It is indeed preferential to have the proper safeguards for independence built into the Ombudsman system. That combined with the proper blend of human characteristics will produce an Ombudsman that has the credibility and the influence necessary to be an effective recourse for citizens.

In conclusion I would add one note of caution with respect to the Ombudsman as an effective recourse for citizens today. No matter how much potential the Ombudsman and his staff may appear to have, no matter how perfect the

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Ombudsman legislation may appear to be, no matter how receptive a government may appear to be in dealing with the Ombudsman - the fact remains that an Ombudsman's office is only going to be as effective as the public it serves allows it to be. In the final analysis it is the public at large that calls the shot regarding the effectiveness of the Ombudsman as a recourse for citizens. If the public learns about the Ombudsman, supports the Ombudsman, and utilizes the office of the Ombudsman, the Ombudsman concept will surely continue as a viable alternative for problem solving. The finding of effective solutions to citizens' problems with government bureaucracy is a two way street involving not just the Ombudsman working to assist citizens but citizens, of all stripes and sizes, working to understand and support the work of the Ombudsman. Let us work together for administrative fairness and justice for all.